HOUSE OF REPRESENTATIVES—*Tuesday, June 5, 1984*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Allow us, O God, to rejoice when we have cause to rejoice, to celebrate the good things of life, to be proud of achievement and success. Even as we give thanks that we have been blessed, may we not be self-righteous toward others in our attitudes or in our actions. May true humility of spirit be seen, not as a sign of weakness, but as a mark of confidence, a belief that true worth comes as Your divine gift and is seen in doing those things that demonstrate justice and mercy. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar. The Clerk will call the bill on the Private Calendar.

RESTORATION OF COASTWISE TRADING PRIVILEGES TO THE VESSEL "LA JOLIE"

The Clerk called the Senate bill (S. 1015) to clear certain impediments to the licensing of the vessel *La Jolie* for employment in the coastwise trade.

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the Senate bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

RENAME THE STREET IN FRONT OF THE SOVIET EMBASSY FOR ANDREI SAKHAROV

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, Academician Andrei Sakharov is not only one of the leading scientists of modern times, but is the symbol of human rights and freedom and hope, not only for the oppressed people of the Soviet Union but also for people throughout the world who admire his courage and seek human rights for all people. At this moment we do not know whether Professor Sakharov is living or dead, but I fear that the Soviet Union once again is ruthlessly stamping out any small ember of human rights that might glow in that nation and they will want us to forget the death of Andrei Sakharov, just as we might forget the Korean airliner shoot-down or their invasion of Afghanistan or their threats against the Polish people or their military actions against the people of Czechoslovakia and Hungary.

Mr. Speaker, I propose that we do not forget nor let them. Why do we not join with other Western and free nations and rename the streets in our capitals in front of every Soviet Embassy "Andrei Sakharov Avenue" so that they will never forget his name and what he stood for. When Soviet diplomats get their mail or when people get directions or take taxis to go there, that Sakharov's name will be used and they will be reminded of him, and they will know that Andrei Sakharov lives on in our memories and those of all free people.

I will be introducing legislation to rename the street in front of the Soviet Embassy here in Washington as "Andrei Sakharov Avenue" and will ask my colleagues to join with me in supporting it.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT DURING 5-MINUTE RULE ON WEDNESDAY, JUNE 6, 1984

Mr. McNULTY. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be permitted to sit during the 5-minute rule on Wednesday, June 6. This has been cleared with the minority.

The SPEAKER pro tempore (Mr. WILLIAMS of Montana). Is there objection to the request of the gentleman from Arizona?

There was no objection.

STEVE KWON/VOTING IN AMERICA

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, during the past year and one-half one of the most important lessons I have learned in Congress is the "value of the vote." I have realized, through participation, that each and every one of our 435 Members uses that voting privilege to represent an entire congressional district, averaging at least 500,000 people.

I have also become more appreciative that voting at all levels of the political process plays an equally significant role in determining the welfare of our people.

Recently, I talked with a Las Vegas constituent about the importance of voting. This native-born Korean told me his fellow Korean Americans tend to be fearful of political participation because their history has been dominated by political personalities who killed dissenters.

Yet, despite such historical impressions, this American himself has had a responsible role in the voter registration of more than 2,500 Korean Americans in Clark County. Simply, Mr. Steve Kwon asserts that "To be an American means participating in this country's political process."

What greater participation could there be than exercising the right to vote? I can think of none.

RELIEF FOR THE DOMESTIC SHOE INDUSTRY

(Mr. CLARKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE. Mr. Speaker, the American shoe industry provides many benefits to our country; 133,000 people are employed in shoe manufacturing and 90,000 more jobs in supporting industries in the United States.

Imports have devastated the domestic footwear industry. They have risen from 47 percent of the American market in 1977 to over 70 percent today.

Shoe manufacturing is labor intensive. In my State of North Carolina, it employs 3,350 people with an annual payroll of $40 million.

In my district, the Blue Ridge Shoe Co. at Hot Springs in North Carolina, is the largest employer in Madison County with more than 400 employees. This plant is scheduled to be closed in August—a direct result of imports. There are no other industries nearby that can absorb these workers.

The shoe industry has filed for relief with the International Trade Commission. I support this action strongly and urge the Commission to examine the evidence submitted and to provide much-needed relief. Without it, our

domestic footwear industry will be permanently destroyed.

UNPRECEDENTED TALKS BETWEEN SECRETARY SHULTZ AND MARXIST GOVERNMENT OF NICARAGUA

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, last weekend Secretary Shultz took the unprecedented step of talking to the leader of the Marxist government in Nicaragua.

In recent weeks many Members of this House have criticized others for urging just such a dialog. Much of this criticism has been unfortunate and unwarranted. I hope that Mr. Shultz does not receive some of the same treatment.

Mr. Speaker, open and frank dialog with our allies—as well as our adversaries—creates the opportunity for peaceful resolution of differences. I do not think that anyone would say that Mr. Shultz is soft on communism because he talked to Daniel Ortega. Likewise, it can hardly be argued that those who have urged this dialog are naive about Marxism in this hemisphere. We can be strong against and opposed to communism, but we can still talk.

Mr. Speaker, it is my hope that the recent efforts of Secretary Shultz will lead to an ongoing dialog and an eventual breakthrough with the leaders of Nicaragua—and it is also my hope that it will bring to an end the inflammatory rhetoric we have seen on this floor in recent weeks.

CONGRATULATIONS TO PRESIDENT AND SECRETARY OF STATE FOR GOING THE EXTRA MILE

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, I want to congratulate the President and Secretary of State Shultz for going the extra mile to seek accommodation rather than confrontation with our adversaries.

I was privileged to be with Secretary Shultz Friday when he diverted from his trip to President Duarte's inauguration in El Salvador to meet Nicaraguan leaders on their own soil.

It was a bold and imaginative stroke of diplomacy that could change the course of history in Central America.

On Monday, President Reagan speaking to the Irish Parliament made an eloquent overture to the Soviet Union to return to the empty chair at the nuclear arms talks in Geneva.

It takes two to negotiate, Mr. Speaker, but I am proud that we have an administration that has seized the initiative for peace and extended on olive branch to our enemies. Let us hope that they will respond.

URGENT NEED OF FOOTWEAR INDUSTRY FOR RELIEF FROM IMPORTS

(Mr. SUNDQUIST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SUNDQUIST. Mr. Speaker, I come before you today to discuss the urgent need of the U.S. footwear industry for relief from imports of nonrubber footwear.

As a member of the Congressional Footwear Caucus I have become increasingly alarmed about the adverse impact imports have had on our domestic nonrubber footwear industry. For this reason, I recently submitted a statement to the International Trade Commission regarding the section 201 petition filed by the industry. This petition requests that the Commission recommend import relief in the form of quantitative restrictions on nonrubber footwear from all sources for a 5-year period. During this relief period the industry would have ample time to make needed reforms in order to regain an equitable share of the domestic market.

Mr. Speaker, statistics readily show the disastrous state our nonrubber footwear industry is experiencing. Over the last 15 years production has dropped almost 50 percent due to import penetration. More recently, in 1975 production capacity was 598.2 million pairs of shoes. Yet in 1982, this capacity had dropped to 466 million and over a quarter of that capacity was idle. An even more alarming production statistic reveals that in 1983 the domestic footwear industry produced 341 million pairs of shoes, representing the lowest level recorded since the Great Depression.

In my congressional district, a predominately rural area in west Tennessee there are over 15 shoe factories. Over half of these factories make up either the first, second, or third leading employer in their respective county. I cannot emphasize enough, just how vital these factories are to the economic health and well-being of these small communities. If imports continue to grow, many of those who will be layed off will have little or no chance of finding other employment.

As you can see, the need for import relief is real. I am hopeful that ITC's decision will be favorable so that assurances and certainty can be given to the thousands of American shoe workers regarding their jobs.

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NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES ACT OF 1984

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 540) to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Institute of Arthritis and Musculoskeletal and Skin Diseases Act of 1984".

SEC. 2. (a) Title IV of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART J—NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

"ESTABLISHMENT OF INSTITUTE

"SEC. 481. There is established in the Public Health Service a National Institute of Arthritis and Musculoskeletal and Skin Diseases (hereafter in this part referred to as the 'Institute'). The Institute shall be headed by a Director.

"PURPOSE OF THE INSTITUTE

"SEC. 482. (a) The purpose of the Institute is the conduct and support of research and training, the dissemination of health information, and related programs with respect to arthritis and musculoskeletal and skin diseases, including sports-related disorders.

"(b)(1) Within one hundred and eighty days after the effective date of this part, the Director of the Institute, with the advice of the National Arthritis and Musculoskeletal and Skin Diseases Advisory Council established pursuant to section 485 (hereafter referred to in this part as the Advisory Council), shall prepare and transmit to the Director of the National Institutes of Health a plan for a national arthritis and musculoskeletal diseases program to expand, intensify, and coordinate the activities of the Institute respecting arthritis and musculoskeletal diseases. The program shall be coordinated with the other national research institutes of the National Institutes of Health to the extent that such institutes have responsibilities respecting arthritis and musculoskeletal diseases, and shall, at least, provide for—

"(A) investigation into the epidemiology, etiology, and prevention of all forms of arthritis and musculoskeletal diseases, including sports-related disorders, primarily through the support of basic research in such areas as immunology, genetics, biochemistry, microbiology, physiology, bioengineering, and any other scientific discipline which can contribute important knowledge

to the treatment and understanding of arthritis and musculoskeletal diseases;

"(B) research into the development, trial, and evaluation of techniques, drugs, and devices used in the diagnosis, treatment, including medical rehabilitation and prevention of arthritis and musculoskeletal diseases;

"(C) research on the refinement, development, and evaluation of technological devices that will replace or be a substitute for damaged bone, muscle, and joints and other supporting structures; and

"(D) the establishment of mechanisms to monitor the causes of athletic injuries and identify ways of preventing such injuries on scholastic athletic fields.

"(2) The plan transmitted pursuant to paragraph (1) shall include such comments and recommendations as the Director of the Institute determines appropriate.

"(3) The Director of the Institute shall carry out the national arthritis and musculoskeletal diseases program in accordance with the plan prepared under paragraph (1). The Director of the Institute shall periodically review and revise such plan, shall transmit any revisions of such plan to the Director of the National Institutes of Health, and shall carry out the national arthritis and musculoskeletal diseases program in accordance with such revisions.

"(c) Within one hundred and eighty days after the effective date of this part, and annually thereafter, the Director of the Institute shall, with the advice of the Advisory Council, prepare and transmit to the Director of the National Institutes of Health a report which evaluates the skin diseases programs carried out by the national research institutes on the effective date of this part and which contains such comments and recommendations concerning such programs as the Director of the Institute determines appropriate.

"(d) The Director of the Institute shall—

"(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 472) in the diagnosis, prevention, and treatment of arthritis and musculoskeletal and skin diseases, including support for training in medical schools, graduate clinical training, graduate training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs; and

"(2) establish programs of evaluation, planning, and dissemination of knowledge related to such research and training.

"INFORMATION CLEARINGHOUSE AND DATA SYSTEM

"SEC. 483. (a) The Director of the Institute shall establish the National Arthritis and Musculoskeletal and Skin Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with arthritis and musculoskeletal and skin diseases, including where possible, data involving general populations for the purpose of detection of individuals with a risk of developing arthritis and musculoskeletal and skin diseases. There are authorized to be appropriated to carry out this subsection $1,000,000 for the fiscal year ending September 30, 1985, $1,500,000 for the fiscal year ending September 30, 1986, and $1,800,000 for the fiscal year ending September 30, 1987.

"(b) The Director of the Institute shall establish the National Arthritis and Musculoskeletal and Skin Diseases Information Clearinghouse to facilitate and enhance, through the effective dissemination of information, knowledge and understanding of arthritis and musculoskeletal and skin diseases by health professionals, patients, and the public. There are authorized to be appropriated to carry out this subsection $1,000,000 for the fiscal year ending September 30, 1985, $1,500,000 for the fiscal year ending September 30, 1986, and $1,800,000 for the fiscal year ending September 30, 1987.

"INTERAGENCY COORDINATING COMMITTEES

"SEC. 484. (a) For the purpose of—

"(1) better coordination of the research activities of all the national research institutes relating to arthritis, musculoskeletal diseases, and skin diseases, including sports-related disorders; and

"(2) coordinating the aspects of all Federal health programs and activities relating to arthritis, musculoskeletal diseases, and skin diseases in order to assure the adequacy and technical soundness of such programs and activities and in order to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities.

the Secretary shall establish an Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and a Skin Diseases Interagency Coordinating Committee (hereafter in this section individually referred to as a 'Committee').

"(b) Each Committee shall be composed of the Directors (or their designees) of each of the national research institutes and divisions involved in research regarding the diseases with respect to which the Committee is established, the Chief Medical Director of the Veterans' Administration (or the Director's designee), a medical officer designated by the Secretary of Defense, and representatives of all other Federal departments and agencies (as determined by the Secretary) whose programs involve health functions or responsibilities relevant to arthritis and musculoskeletal diseases or skin diseases, as the case may be. Each Committee shall be chaired by the Director of the National Institutes of Health (or the Director's designee). Each Committee shall meet at the call of the Chairman, but not less often than four times a year.

"(c) Not later than one hundred and twenty days after the end of each fiscal year, each Committee shall prepare and transmit to the Secretary, the Director of the National Institutes of Health, the Director of the Institute, and the Advisory Council a report detailing the activities of the Committee in such fiscal year in carrying out paragraphs (1) and (2) of subsection (a).

"NATIONAL ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES ADVISORY COUNCIL

"SEC. 485. (a) The Secretary shall establish a National Arthritis and Musculoskeletal and Skin Diseases Advisory Council to advise, consult with, and make recommendations to the Secretary with respect to the activities of the Institute relating to arthritis and musculoskeletal and skin diseases.

"(b) The Advisory Council shall consist of the Secretary, who shall be chairman, the chief medical officer of the Veterans' Administration (or such officer's designee), and a medical officer designated by the Secretary of Defense, each of whom shall be ex officio members, and twelve members appointed by the Secretary without regard to the civil service laws. The twelve members appointed by the Secretary shall be leaders in the fields of basic sciences, medical sciences, education, or nursing, and individuals from the public who are knowledgeable with respect to arthritis and musculoskeletal and skin diseases. Six of the members appointed by the Secretary shall be selected from leading medical or scientific authorities who are outstanding in the study, diagnosis, or treatment of arthritis and musculoskeletal and skin diseases.

"(c)(1) Each member of the Advisory Council who is appointed by the Secretary shall be appointed for a term of four years, except that—

"(A) the term of office of the members first appointed shall expire, as determined by the Secretary at the time of appointment, three at the end of one year, three at the end of two years, three at the end of three years, and three at the end of four years; and

"(B) any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term.

"(2) None of the members appointed to the Advisory Council by the Secretary shall be eligible for reappointment unless a year has elapsed since the end of the prior term of such member on the Council.

"ARTHRITIS AND MUSCULOSKELETAL DISEASES DEMONSTRATION PROJECTS

"SEC. 486. (a) The Secretary may make grants to public and private nonprofit entities to establish and support projects for the development and demonstration of methods for screening, detection, and referral for treatment of arthritis and musculoskeletal diseases, and for the dissemination of information on such methods to the health and allied health professions. Activities under such projects shall be coordinated with Federal, State, local, and regional health agencies, centers assisted under section 487, and the data system established under subsection (c).

"(b) Projects supported under this section shall include—

"(1) programs which emphasize the development and demonstration of new and improved methods of screening and early detection, referral for treatment, and diagnosis of individuals with a risk of developing arthritis and musculoskeletal diseases;

"(2) programs which emphasize the development and demonstration of new and improved methods for patient referral from local hospitals and physicians to appropriate centers for early diagnosis and treatment;

"(3) programs which emphasize the development and demonstration of new and improved means of standardizing patient data and recordkeeping;

"(4) programs which emphasize the development and demonstration of new and improved methods of dissemination of knowledge about the programs, methods, and means referred to in paragraphs (1), (2), and (3) of this subsection to health and allied health professionals;

"(5) programs which emphasize the development and demonstration of new and improved methods for the dissemination to the general public of information—

"(A) on the importance of early detection of arthritis and musculoskeletal diseases, of seeking prompt treatment, and of following an appropriate regimen; and

"(B) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive treatment, and control methods for arthritis and unapproved and ineffective drugs and devices for arthritis and musculoskeletal diseases; and

"(6) projects for investigation into the epidemiology of all forms and aspects of arthritis and musculoskeletal diseases, including investigations into the social, environmental, behavioral, nutritional, and genetic determinants and influences involved in the epidemiology of arthritis and musculoskeletal diseases.

"(c) The Director shall provide for the standardization of patient data and recordkeeping for the collection, storage, analysis, retrieval, and dissemination of such data in cooperation with projects under this section and centers assisted under section 487, and other persons engaged in arthritis and musculoskeletal disease programs.

"(d) There are authorized to be appropriated to carry out this section $5,000,000 for the fiscal year ending September 30, 1985, and for each of the two succeeding fiscal years.

"MULTIPURPOSE ARTHRITIS AND MUSCULOSKELETAL DISEASES CENTERS

"SEC. 487. (a) The Director of the Institute shall, after consultation with the Advisory Council established pursuant to section 485, provide for the development, modernization, and operation (including staffing and other operating costs such as the costs of patient care required for research) of new and existing centers for arthritis and musculoskeletal diseases. For purposes of this section, the term 'modernization' means the alteration, remodeling, improvement, expansion, and repair of existing buildings and the provision of equipment for such buildings to the extent necessary to make them suitable for use as centers described in the preceding sentence.

"(b) Each center assisted under this section shall—

"(1)(A) use the facilities of a single institution or a consortium of cooperating institutions, and (B) meet such qualifications as may be prescribed by the Secretary; and

"(2) conduct—

"(A) basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of arthritis and musculoskeletal diseases and complications resulting from arthritis and musculoskeletal diseases, including research into implantable biomaterials and biomechanical and other orthopedic procedures;

"(B) training programs for physicians, scientists, and other health and allied health professionals;

"(C) information and continuing education programs for physicians and other health and allied health professionals who provide care for patients with arthritis and musculoskeletal diseases; and

"(D) programs for the dissemination to the general public of information—

"(i) on the importance of early detection of arthritis and musculoskeletal diseases, of seeking prompt treatment, and of following an appropriate regimen; and

"(ii) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive, treatment, and control methods and unapproved and ineffective drugs and devices.

A center may use funds provided under subsection (a) to provide stipends for health professionals enrolled in training programs described in paragraph (2)(B).

"(c) Each center assisted under this section may conduct programs to—

"(1) establish the effectiveness of new and improved methods of detection, referral, and diagnosis of individuals with a risk of developing arthritis and musculoskeletal diseases;

"(2) disseminate the results of research, screening, and other activities, and develop means of standardizing patient data and recordkeeping; and

"(3) develop community consultative services to facilitate the referral of patients to centers for treatment.

"(d) The Director of the Institute shall, insofar as practicable, provide for an equitable geographical distribution of centers assisted under this section. The Director shall give appropriate consideration to the need for centers especially suited to meeting the needs of children affected by arthritis and musculoskeletal diseases.

"(e) Support of a center under this section may be for a period of not to exceed five years. Such period may be extended by the Director of the Institute for one or more additional periods of not more than five years if the operations of such center have been reviewed by an appropriate scientific review group established by the Director and such scientific review group has recommended to the Director that support of such center under this section should be extended.

"(f) There are authorized to be appropriated to carry out this section $12,000,000 for the fiscal year ending September 30, 1985, $15,000,000 for the fiscal year ending September 30, 1986, and $18,000,000 for the fiscal year ending September 30, 1987.

"BIENNIAL REPORT

"SEC. 488. (a) The Director of the Institute shall prepare and transmit to the Secretary, for transmission by the Secretary to the President and the Congress, a biennial report containing a description of the Institute's activities under the plan developed pursuant to section 482(b), a description of the Institute's activities to carry out the recommendations contained in the two immediately preceding annual reports prepared pursuant to section 482(c), and an evaluation of the activities of the centers supported under section 487.

"(b) The first report under subsection (a) shall be transmitted by the Director to the Secretary not later than the first November 30 which occurs at least eighteen months after the date of the enactment of this section and shall relate to the two-fiscal-year period ending on the preceding September 30.".

(b)(1) Section 431(a) is amended by striking out "arthritis, rheumatism, and".

(2)(A) Section 434(a) is amended—

(i) by striking out "Arthritis, Rheumatism, and"; and

(ii) by striking out "Arthritis, Diabetes," each place it appears and inserting in lieu thereof "Diabetes".

(B) Section 434(b) is amended—

(i) by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes"; and

(ii) by striking out "an Associate Director for Arthritis and Musculoskeletal and Skin Diseases,".

(C) Section 434(c) is amended—

(i) by striking out "a subcommittee on arthritis and musculoskeletal and skin diseases," in the first sentence; and

(ii) by striking out "arthritis, musculoskeletal and skin diseases," in the last sentence.

(D) Section 434(d) is amended—

(i) by striking out "the Associate Director for Arthritis and Musculoskeletal and Skin Diseases," in the matter preceding paragraph (1); and

(ii) by striking out "arthritis, musculoskeletal and skin diseases," in paragraph (1).

(E) Section 434(e) is amended by striking out paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(F) The section heading of section 434 is amended by striking out "ARTHRITIS, DIABETES," and inserting in lieu thereof "DIABETES".

(3)(A) Section 436(a) is amended—

(i) by striking out "arthritis, diabetes mellitus," in paragraph (1) and inserting in lieu thereof "diabetes mellitus";

(ii) by striking out "an Arthritis Interagency Coordinating Committee," in the matter following paragraph (2); and

(iii) by striking out the comma before "and a Digestive Diseases" in the matter following paragraph (2).

(B) Section 436(b) is amended by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes".

(4)(A) Section 437(k) is amended by striking out "and" after "1982;" and by inserting before the period a semicolon and "$300,000 for the fiscal year ending September 30, 1985; $300,000 for the fiscal year ending September 30, 1986; and $300,000 for the fiscal year ending September 30, 1987".

(B) Section 437(1) is amended by striking out "1983" and inserting in lieu thereof "1987".

(5) Sections 438 and 439 are repealed.

(6) Section 440 is amended by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes".

(7) The second sentence of section 440A(a) is amended by striking out "Arthritis, Metabolism," and inserting in lieu thereof "Diabetes".

(8) The part heading for part D of title IV is amended by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes".

(c)(1) There are transferred to the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section) all functions of the Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (as in effect on the day before the effective date of this subsection) relating to arthritis and musculoskeletal and skin diseases.

(2) In order that the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section) may carry out programs and activities relating to arthritis and musculoskeletal and skin diseases at levels which are equivalent to the levels of programs and activities carried out with respect to arthritis and musculoskeletal and skin diseases by the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases on the day before the effective date of this subsection, the Secretary shall transfer to the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section) the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available, in connection with the functions transferred by paragraph (1) of this subsection and the programs and activities relating to arthritis and musculoskeletal and skin diseases carried out by the National Institute of Arthritis, Diabetes, and Digestive and Kidney Dis-

eases on the day before the effective date of this subsection.

(3) The National Arthritis Advisory Board is terminated.

(d) The provisions of subsections (a), (b), and (c) of this section and the amendments and repeals made by such subsections shall take effect on October 1, 1984.

(e)(1)(A) The Secretary of Health and Human Services, through the Director of the National Institutes of Health, shall in accordance with paragraph (2) arrange for the conduct of a study concerning—

(i) the effectiveness of the organization and administrative structures of each of the national research institutes existing on the date of enactment of this Act and of the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section), including the effectiveness of the advisory councils, advisory boards, and interagency committees which carry out functions relating to each such institute;

(ii) the effectiveness of the combinations of disease research programs existing in each of the national research institutes on the date of enactment of this Act and in the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section); and

(iii) the standards which should be followed in establishing new national research institutes (other than the national research institutes existing on the date of enactment of this Act or the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section) or in realigning the combinations of disease research programs existing in each of the national research institutes on the date of enactment of this Act and in the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section).

(B) Within eighteen months after the date of enactment of this Act, the Secretary shall submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the study conducted under this paragraph and the results and conclusions of such study.

(2)(A) The Secretary of Health and Human Services shall request the National Academy of Sciences to conduct the study required by paragraph (1)(A) under an arrangement under which the actual expenses incurred by the Academy in conducting such study will be paid by the Secretary and the Academy will prepare the report required by paragraph (1)(B). If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with the Academy for the conduct of the study.

(B) If the National Academy of Sciences is unwilling to conduct the study required under paragraph (1)(A) under the type of arrangement described in subparagraph (A) of this paragraph, the Secretary shall enter into a similar arrangement with other appropriate nonprofit private entities.

(3) Prior to the expiration of a period beginning six months after the submission of the report required under paragraph (1)(B), and notwithstanding section 431(b) of the Public Health Service Act, no national research institute shall be established in addition to the institutes established on the date of the enactment of this Act and the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section).

(f) The Secretary of Health and Human Services shall conduct an administrative review of the disease research programs within the National Institute of Diabetes and Digestive and Kidney Diseases to determine if any such program could be more effectively and efficiently managed by other national research institutes. The Secretary shall complete such review within sixty days after the date of enactment of this Act.

SEC. 3. Section 2(d)(1) of the Technology Assessment Act of 1972 (Public Law 92-484; 2 U.S.C. 471 (d)(1)) is amended by inserting after "biological," the following: "ethical,".

SEC. 4. Section 3(c) of such Act (2 U.S.C. 472(c)) is amended by—

(1) redesignating clauses (4) through (8) as clauses (5) through (9), respectively; and

(2) inserting after clause (3) the following:

"(4) identify existing or probable ethical implications of technology or technological programs;".

SEC. 5. Section 11 of such Act (2 U.S.C. 480) is amended to read as follows:

"SEC. 11. (a) The Office shall submit to the Congress an annual report which shall include—

"(1) an evaluation of technology assessment techniques;

"(2) an identification, insofar as may be feasible, of technological areas and programs requiring future analysis;

"(3) an identification of current issues relating to medicine, biomedical research, and behavioral research (including the protection of human subjects of biomedical or behavioral research) which have ethical implications for technology; and

"(4) an identification of technological areas and programs which have significant ethical implications requiring future analysis.

"(b) Such report shall be submitted not later than March 15 of each year.".

SEC. 6. The Act is further amended by adding at the end thereof the following new section:

"ESTABLISHMENT OF BIOMEDICAL ETHICS ADVISORY COMMITTEE

"SEC. 13. (a) The Office shall establish a Biomedical Ethics Advisory Committee (hereinafter referred to as the 'Committee'), to be selected with the advice and consent of the Board. The Committee shall be composed of thirteen members—

"(1) three of the members shall be appointed from individuals who are distinguished in biomedical or behavioral research;

"(2) three of the members shall be appointed from individuals who are distinguished in the practice of medicine or otherwise distinguished in the provision of health care;

"(3) five of the members shall be appointed from individuals who are distinguished in one or more of the fields of ethics, theology, law, the natural sciences (other than a biomedical or behavioral science), the social sciences, the humanities, health administration, government, and public affairs; and

"(4) two of the members shall be appointed from individuals who are representative of citizens with an interest in biomedical ethics but who possess no specific expertise.

"(b) The Committee shall—

"(1) review and make recommendations to the Board on activities undertaken by the Office or on the initiation of activities, in accordance with section 3(d);

"(2) review and make recommendations to the Board on the findings of any assessment made by or for the Office; and

"(3) undertake such additional related tasks as the Board may direct.

"(c) The Committee by majority vote, shall elect from its members a Chairman and a Vice Chairman, who shall serve for such time and under such conditions as the Committee may prescribe. In the absence of the Chairman, or in the event of his incapacity, the Vice Chairman shall act as Chairman.

"(d) The term of office of each member of the Committee shall be four years except that any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. No person shall be appointed a member of the Committee more than twice. Terms of the members shall be staggered so as to establish a rotating membership according to such method as the Board may devise.

"(e) The members of the Committee shall receive no pay for their services as members of the Committee, but shall be allowed necessary travel expenses (or, in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence at not to exceed the rate prescribed in sections 5702 and 5704 of title 5), and other necessary expenses incurred by them in the performance of duties vested in the Committee, without regard to the provisions of subchapter 1 of chapter 57 and section 5731 of title 5, and regulations promulgated thereunder.".

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent that the Senate bill be considered as read, printed in the RECORD, and open to amendment at any point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. DINGELL: Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE; REFERENCE TO ACT; AND TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the "Health Research Extension Act of 1983".

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be a reference to a section or other provision of the Public Health Service Act.

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REVISION OF TITLE IV OF THE PUBLIC HEALTH SERVICE ACT

SEC. 2. Title IV of the Public Health Service Act is amended to read as follows:

"TITLE IV—NATIONAL RESEARCH INSTITUTES

"PART A—NATIONAL INSTITUTES OF HEALTH

"ORGANIZATION OF NIH

"SEC. 401. (a) The National Institutes of Health is an agency of the Service.

"(b)(1) The following national research institutes are agencies of the National Institutes of Health:

"(A) The National Cancer Institute.

"(B) The National Heart, Lung, and Blood Institute.

"(C) The National Institute of Diabetes and Digestive and Kidney Diseases.

"(D) The National Institute of Arthritis and Musculoskeletal Diseases.

"(E) The National Institute on Aging.

"(F) The National Institute of Allergy and Infectious Diseases.

"(G) The National Institute of Child Health and Human Development.

"(H) The National Institute of Dental Research.

"(I) The National Eye Institute.

"(J) The National Institute of Neurological and Communicative Disorders and Stroke.

"(K) The National Institute of General Medical Sciences.

"(L) The National Institute of Environmental Health Sciences.

"(M) The National Institute of Nursing.

"(2) The following entities are agencies of the National Institutes of Health:

"(A) The Division of Research Resources.

"(B) The National Library of Medicine.

"(C) The John E. Fogarty International Center for Advanced Study in the Health Sciences.

"(3) The Secretary may establish in the National Institutes of Health one or more additional national research institutes to conduct and support research, training, health information, and related programs relating to any particular disease or groups of diseases or any other aspect of human health if—

"(A) the Secretary determines that an additional institute is necessary to carry out such activities; and

"(B) the additional institute is not established before the expiration of sixty days after the Secretary has provided the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate written notice of the determination, described in subparagraph (A), made with respect to the institute.

"(c) For purposes of this title, the term 'national research institute' means a national research institute referred to in subsection (b)(1) or established under subsection (b)(3).

"APPOINTMENT AND AUTHORITY OF DIRECTOR OF NIH

"SEC. 402. (a) The National Institutes of Health shall be headed by the Director of the National Institutes of Health (hereinafter in this title referred to as the 'Director of NIH') who shall be appointed by the President by and with the advice and consent of the Senate. The Director of NIH shall perform functions as provided under subsection (b) and as the Secretary may otherwise prescribe.

"(b) In carrying out the purposes of section 301, the Secretary, acting through the Director of NIH—

"(1) shall be responsible for the overall direction of the National Institutes of Health and for the establishment and implementa-

tion of general policies respecting the management and operation of programs and activities within the National Institutes of Health;

"(2) shall coordinate and oversee the operation of the national research institutes and other administrative entities within the National Institutes of Health;

"(3) shall assure that research at the National Institutes of Health is subject to review in accordance with section 484(b);

"(4) for the national research institutes and administrative entities within the National Institutes of Health—

"(A) may—

"(i) acquire and construct; and

"(ii) improve, repair, operate, and maintain;

laboratories, other research facilities, other facilities, equipment, and other real or personal property (including patents); and

"(B) may acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for use for a period not to exceed ten years;

"(5) may secure resources for research conducted by or through the National Institutes of Health;

"(6) may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, establish such technical and scientific peer review groups as are needed to carry out the requirements of this title and appoint and pay the members of such groups, except that officers and employees of the United States shall not receive additional compensation for service on such groups;

"(7) may secure for the National Institutes of Health consultation services and advice of persons from the United States or abroad;

"(8) may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefor;

"(9) may, for purposes of study, admit and treat at facilities of the National Institutes of Health individuals not otherwise eligible for such treatment;

"(10) may accept voluntary and uncompensated services; and

"(11) may perform such other administrative functions as the Secretary determines are needed to carry out effectively this title.

The Federal Advisory Committee Act does not apply to the duration of a peer review group appointed under paragraph (5), and the Office of Management and Budget shall not exercise any authority under such Act with respect to such a group.

"(c) The Director of NIH may make available to individuals and entities, for biomedical and behavioral research, substances and living organisms. Such substances and organisms shall be made available under such terms and conditions (including payment for them) as the Secretary determines appropriate.

"(d)(1) The Director of NIH may obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of service) the services of not more than two hundred experts or consultants, with scientific or other professional qualifications, for the National Institutes of Health.

"(2)(A) Except as provided in subparagraph (B), experts and consultants whose services are obtained under paragraph (1) shall be paid or reimbursed, in accordance with title 5, United States Code, for their travel and other expenses associated with their assignment.

"(B) Expenses specified in subparagraph (A) shall not be allowed in connection with the assignment of an expert or consultant whose services are obtained under paragraph (1) unless the expert or consultant has agreed in writing to complete the entire period of the assignment or one year of the assignment, whichever is shorter, unless separated or reassigned for reasons which are beyond the control of the expert or consultant and which are acceptable to the Secretary. If the expert or consultant violates the agreement, the money spent by the United States for such expenses is recoverable from the expert or consultant as a debt due the United States.

"(e)(1) The Director of NIH shall establish a plan for—

"(A) research to be conducted by or through the National Institutes of Health and the national research institutes into methods of biomedical research and experimentation—

"(i) which do not require the use of animals;

"(ii) which reduce the number of animals used in such research; or

"(iii) which produce less pain and distress in such animals than methods currently in use;

"(B) establishing the validity and reliability of the methods described in subparagraph (A);

"(C) the development of such methods which have been found to be valid and reliable; and

"(D) the training of scientists in the use of such methods.

The plan required by this paragraph shall be prepared not later than June 1, 1984.

"(2) The Director of NIH shall take such actions as may be appropriate to convey to scientists and others involved with research or experimentation involving animals information respecting the methods found to be valid and reliable under paragraph (1)(A).

"(3) The Director of NIH shall establish within the National Institutes of Health an Interagency Coordinating Committee to assist the Director of NIH in the development of the plan required by paragraph (1). The Director of each national research institute (or his designee) shall serve on the Committee.

"(f) The Director of NIH shall—

"(1) advise the agencies of the National Institutes of Health on medical applications of research;

"(2) coordinate, review, and facilitate the systematic identification and evaluation of, clinically relevant information from research conducted by or through the national research institutes;

"(3) promote the effective transfer of the information described in paragraph (2) to the health care community and to entities that require such information; and

"(4) monitor the effectiveness of the activities described in paragraph (3).

"(g) The Director of NIH and the director of any national research institute may not conduct or support research or experimentation, in the United States or abroad, on a living human fetus or infant, before an abortion which the researcher involved knows or has reason to know is intended or after an abortion, unless the research or experimentation is for the purpose of improving the probability of the survival of, or ameliorating developmental or congenital defects in, such infant.

"NATIONAL INSTITUTES OF HEALTH ADVISORY BOARD

"SEC. 403. (a) The Secretary shall appoint a National Institutes of Health Advisory Board (hereinafter in this section referred to as the 'Advisory Board'). The Advisory Board shall, as the Secretary or the Director of NIH deems appropriate, advise, consult with, and make recommendations to the Secretary or the Director of NIH with respect to the functions under section 402.

"(b)(1) The Advisory Board shall consist of not more than eighteen members. Two thirds of the members shall be appointed by the Secretary from among the leading representatives of the health and scientific disciplines and of those members at least one third shall be experts in public health or the behavioral or social sciences. At least one third of the members shall be appointed by the Secretary from leaders in the fields of public policy, law, health policy, economics, and management and of those members one member appointed by the Secretary from the general public. The Advisory Board shall include such ex officio members as the Secretary may designate to assist the Advisory Board in carrying out its functions.

"(2) Members of the Advisory Board who are officers or employees of the United States shall not receive any compensation for service on the Advisory Board. The other members of the Advisory Board shall receive, for each day they are engaged in the performance of the functions of the Advisory Board, compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, including traveltime.

"(c) The term of office of an appointed member of the Advisory Board is four years, except that the Secretary shall stagger the terms of the members first appointed so that not more than one third of the members' terms will expire in any one year. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. A member who has been appointed for a term of four years may not be reappointed to the Advisory Board before two years from the date of the expiration of such term of office. If a vacancy occurs in the Advisory Board, the Secretary shall make an appointment to fill the vacancy not later than ninety days from the date the vacancy occurred.

"(d) The chairman of the Advisory Board shall be selected by the Secretary from among the appointed members, except that the Secretary may select the Director of NIH to be the chairman of the Advisory Board. The term of office of the chairman shall be two years.

"(e) The Advisory Board shall meet at the call of the chairman or upon the request of the Director of NIH, but at least three times in each fiscal year. The location of the meetings of the Advisory Board is subject to the approval of the Director of NIH.

"(f) The Director of NIH shall designate a member of the staff of the National Institutes of Health to serve as the executive sec-

retary of the Advisory Board. The Director of NIH shall make available to the Advisory Board such staff assistants, information, and other assistance as it may require to carry out its functions. The Director of NIH shall provide orientation and training for new members of the Advisory Board to provide them with such information and training as may be appropriate for their effective participation in the functions of the Advisory Board.

"(g) In carrying out its functions the Advisory Board may appoint subcommittees with the approval of the Director of NIH.

"(h) The Advisory Board may prepare, for inclusion in the biennial report under section 404, a biennial report respecting the activities of the Advisory Board and including its recommendations respecting the program policies of the Secretary and the Director of NIH.

"REPORT OF DIRECTOR OF NIH

"SEC. 404. The Secretary shall transmit to the President and to the Congress a biennial report which shall be prepared by the Director of NIH and which shall consist of—

"(1) a description of the activities carried out through the National Institutes of Health and the policies respecting the programs of the National Institutes of Health and such recommendations respecting such policies as the Secretary deems appropriate;

"(2) without revision, any biennial report of the National Institutes of Health Advisory Board; and

"(3) the biennial reports of the Directors of each of the national research institutes.

The first report under this section shall be submitted not later than the first November 30 which occurs at least eighteen months after the date of the enactment of this section and shall relate to the two-fiscal-year period ending on the preceding September 30.

"CENTERS FOR RESEARCH AND DEMONSTRATION OF HEALTH PROMOTION AND DISEASE PREVENTION

"SEC. 405. (a) The Director of NIH shall establish and maintain Centers for Research and Demonstration of Health Promotion and Disease Prevention to undertake research and demonstration projects in health promotion, disease prevention, and improved methods of appraising health hazards and risk factors. The centers shall serve as demonstration sites for the use of new and innovative research in public health techniques to prevent chronic diseases.

"(b) Each center assisted under this section shall—

"(1) be located in an academic health center with—

"(A) a multidisciplinary public health faculty which has demonstrated working relationships with relevant groups in such fields as medicine, dentistry, nutrition, psychology, nursing, social work, pharmacy, education, and business;

"(B) graduate training programs relevant to disease prevention;

"(C) core faculty in epidemiology, biostatistics, social sciences, behavorial and environmental health sciences, and health administration;

"(D) demonstrated core medical school curriculum in disease prevention;

"(E) residency training capability in public health and preventive medicine; and

"(F) such other qualifications as the Secretary may prescribe.

"(2) conduct—

"(A) health promotion and disease prevention research on retrospective and longitudinally prospective bases in population groups and communities;

"(B) demonstration projects for the delivery of health promotion and disease prevention services to defined population groups using, as appropriate, community outreach and organization techniques and other methods of educating and motivating communities; and

"(C) evaluation studies on the efficacy of its demonstration projects.

"(c) During fiscal year 1984 ten centers shall be established under subsection (a); during fiscal year 1985 an additional ten centers shall be established under such subsection; and during fiscal year 1986 an additional five centers shall be established under such subsection. Such centers shall be distributed geographically as well as within areas containing a wide range of population groups which exhibit disease incidences which are most amenable to preventive intervention.

"PART B—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

"APPOINTMENT AND AUTHORITY OF THE DIRECTORS OF THE NATIONAL RESEARCH INSTITUTES

"SEC. 407. (a) The Director of the National Cancer Institute shall be appointed by the President, and the Directors of the other national research institutes shall be appointed by the Secretary.

"(b)(1) In carrying out the purposes of section 301 with respect to the human disease or disorder or other aspect of human health for which the institutes were established, the Secretary, acting through the Director of each national research institute—

"(A) shall encourage and support research, investigations, experiments, demonstrations, and studies in the health sciences related to—

"(i) the maintenance of health;

"(ii) the detection, diagnosis, treatment, and prevention of human diseases and other disorders;

"(iii) the rehabilitation of individuals with human diseases, disorders, and disabilities; and

"(iv) the expansion of knowledge of the processes underlying human diseases, disorders, and disabilities, the processes underlying the normal and pathological functioning of the body and its organ systems, and the processes underlying the interactions between the human organism and the environment;

"(B) may, subject to the review prescribed under section 484(b) and advisory council review prescribed by section 408(a)(3)(A)(i), conduct the research, investigations, experiments, demonstrations, and studies referred to in subparagraph (A);

"(C) may conduct and support research training (i) for which fellowship support is not provided under section 479, and (ii) which is not residency training of physicians or other health professionals;

"(D) may develop, implement, and support demonstrations and programs for the application of the results of the activities of the institute to clinical practice and disease prevention activities;

"(E) may develop, conduct, and support public and professional education and information programs;

"(F) may secure, develop and maintain, distribute, and support the development and maintenance of resources needed for research;

"(G) may make available the facilities of the institutes to appropriate entities and individuals engaged in research activities and cooperate with and assist Federal and State agencies charged with protecting the public health;

"(H) may accept unconditional gifts made to the institutes for their activities, and, in the case of gifts of a value in excess of $50,000, establish suitable memorials to the donor;

"(I) may secure for the institutes consultation services and advice of persons from the United States or abroad;

"(J) may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefor;

"(K) may accept voluntary and uncompensated services; and

"(L) may perform such other functions as the Secretary determines are needed to carry out effectively the purposes of the institutes.

The indemnification provisions of section 2354, title 10, United States Code, shall apply with respect to contracts entered into under this subsection and section 402(b).

"(2) Support for an activity or program under this subsection may be provided through grants, contracts, and cooperative agreements. The Secretary, acting through the Director of each national research institute—

"(A) may approve any contract for resources for research conducted at or through the institute, except that if the total cost of the contract to be approved exceeds $500,000 the contract may be approved only after a peer review group authorized by regulations under section 484 has recommended approval of the contract;

"(B) may approve other contracts under paragraph (1) for research or training only if a peer review group authorized by regulations under section 484 has recommended approval of the contracts; and

"(C) may approve grants and cooperative agreements under paragraph (1) for research or training; except that—

"(i) if the direct cost of the grant or cooperative agreement to be approved does not exceed $35,000, such grant or cooperative agreement may be approved only after appropriate technical and scientific review in accordance with section 484; and

"(ii) if the direct cost of the grant, or cooperative agreement to be approved exceeds $35,000, such grant or cooperative agreement may be approved only after appropriate technical and scientific review in accordance with section 484 and recommendation for approval by the advisory council to the institute.

"(c) In carrying out subsection (b), each Director of a national research institute shall—

"(1) coordinate, as appropriate, the activities of the institute with similar programs of other public and private entities; and

"(2) cooperate with the Directors of other national research institutes in the development and support of multidisciplinary research and research that involves more than one institute.

"(d)(1) There shall be in each national research institute (other than the National Institute of General Medical Sciences and the National Institute of Environmental Health Sciences) an Assistant Director for Prevention to coordinate and promote the programs in the institute into the prevention of disease. The Assistant Director of an institute shall be appointed by the Director of the institute from individuals who because of their professional training or expe-

rience are experts in public health or preventive medicine.

"(2) The Assistant Director for Prevention shall prepare for inclusion in the biennial report made under section 409 a description of the prevention activities of the institute, including a description of the staff and resources allocated to those activities.

"ADVISORY COUNCILS

"SEC. 408. (a)(1) Except as provided in subsection (i), the Secretary shall appoint an advisory council for each national research institute which (A) shall advise, assist, consult with, and make recommendations to the Secretary and the Director of the institute on matters related to the activities carried out through the institute and the policies respecting such activities, and (B) shall carry out the special functions prescribed by part C.

"(2) Each advisory council for a national research institute shall recommend to the Secretary acceptance, in accordance with section 2101, of conditional gifts for study, investigation, or research respecting the disease, diseases, or other aspect of human health with respect to which the institute was established, for the acquisition of grounds, or for the construction, equipping, or maintenance of facilities for the institute.

"(3) Each advisory council for a national research institute—

"(A)(i) shall on the basis of the materials provided under section 484(b)(2) respecting research conducted at the institute, make recommendations to the Director of the institute respecting such research;

"(ii) shall review applications for grants and cooperative agreements for research or training and for which advisory council approval is required under section 407(b)(2) and recommend for approval applications for projects which show promise of making valuable contributions to human knowledge, and

"(iii) may review any grant or cooperative agreement proposed to be made or entered into;

"(B) may collect information as to studies which are being carried on in the United States or any other country as to such disease, diseases, or other aspect of human health by correspondence or by personal investigation of such studies, and with the approval of the Director of the institute make available such information through appropriate publications for the benefit of public and private health entities and health professions personnel and scientists and for the information of the general public; and

"(C) may appoint subcommittees and convene workshops and conferences.

"(b)(1) Each advisory council shall consist of ex officio members and not more than eighteen members appointed by the Secretary. The ex officio members of an advisory council shall consist of the Secretary, the Director of NIH, the Director of the national research institute for which the council is established, the Chief Medical Officer of the Veterans' Administration, a medical officer designated by the Secretary of Defense, or the designees of such persons and such additional officers or employees of the United States as the Secretary deems necessary for the advisory council to effectively carry out its functions. The members of an advisory council who are not ex officio members shall be appointed as follows:

"(A) Two thirds of the members shall be appointed from among the leading representatives of the health and scientific disciplines relevant to the activities of the institute for which the advisory council is established.

"(B) At least one third of the members shall be appointed by the Secretary from leaders in each of the fields of public policy, law, health policy, economics, and management and of those members at least one member appointed by the Secretary from the general public.

Of the members appointed under subparagraph (A) to each advisory council, not less than one third shall be experts in public health or the behavioral or social sciences.

"(2) Members of an advisory council who are officers or employees of the United States shall not receive any compensation for service on the advisory council. The other members of an advisory council shall receive, for each day they are engaged in the performance of the functions of the advisory council, compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, including traveltime.

"(c) The term of office of an appointed member of an advisory council is four years, except that any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term and the Secretary shall make appointments to an advisory council in such a manner as to stagger the terms of the members. A member may serve after the expiration of the member's term until a successor has taken office. A member who has been appointed for a term of four years may not be reappointed to an advisory council before two years from the date of expiration of such term of office. If a vacancy occurs in the advisory council among the appointed members, the Secretary shall make an appointment to fill the vacancy within ninety days from the date the vacancy occurs.

"(d) The chairman of an advisory council shall be selected by the Secretary from among the appointed members, except that the Secretary may select the Director of the institute for which the advisory council is established to be the chairman of the advisory council. The term of office of the chairman shall be two years.

"(e) The advisory council shall meet at the call of the chairman or upon the request of the Director of the national research institute for which it was established, but at least three times each fiscal year. The location of the meetings of each advisory council is subject to the approval of the Director of the institute for which the council was established.

"(f) The Director of the national research institute for which an advisory council is established shall designate a member of the staff of the institute to serve as the executive secretary of the advisory council. The Director of such institute shall make available to the advisory council such staff assistants, information, and other assistance as it may require to carry out its functions. The Director of such institute shall provide orientation and training for new members of the advisory council to provide them with such information and training as may be appropriate for their effective participation in the functions of the advisory council.

"(g) Each advisory council may prepare, for inclusion in the biennial report made under section 404, (1) comments respecting the activities of the advisory council in the fiscal years respecting which the report is prepared, (2) comments on the progress of the national research institute for which it was established in meeting its objectives, and (3) recommendations respecting the future directions and program and policy emphasis of the institute.

"(h)(1) Except as provided in paragraph (2), this section does not terminate the membership of any advisory council to a national research institute which was in existence on the date of the enactment of the Health Research Act of 1983. After such date—

"(A) the Secretary shall make appointments to each such advisory council in such a manner as to bring about as soon as practicable the composition prescribed by this section;

"(B) each advisory council shall organize itself in accordance with this section and exercise the functions prescribed by this section; and

"(C) the Director of each national research institute shall perform for such advisory council the functions prescribed by this section.

"(2)(A) This section applies to the National Cancer Advisory Board, the advisory council for the National Cancer Institute, except that (i) appointments to such Board shall be made by the President, (ii) of the members appointed to the Board not less than five members shall be individuals knowledgeable in environmental carcinogenesis (including carcinogenesis involving occupational and dietary factors), (iii) the chairman of the Board shall be selected by the President from the appointed members and shall serve as chairman for a term of two years, (iv) the ex officio members of the Board shall be the Secretary, the Director of the Office of Science and Technology Policy, the Director of NIH, the chief medical officer of the Veterans' Administration, the Director of the National Institute for Occupational Safety and Health, the Director of the National Institute of Environmental Health Sciences, the Secretary of Labor, the Commissioner of the Food and Drug Administration, the Administrator of the Environmental Protection Agency, the Chairman of the Consumer Product Safety Commission or the designees of such persons, and a medical officer designated by the Secretary of Defense, and (v) the Board shall meet at least four times each fiscal year.

"(B) This section applies to the advisory council to the National Heart, Lung, and Blood Institute, except that the advisory council shall meet at least four times each fiscal year.

"BIENNIAL REPORT

"SEC. 409. The Director of each national research institute, after consultation with the advisory council to the institute, shall prepare for inclusion in the biennial report made under section 404 a biennial report which shall consist of a description of the activities and program policies of the Director of the institute in the fiscal years respecting which the report is prepared and the biennial report made under section 407(d)(2). The Director of each institute shall provide the advisory council of the institute an opportunity for the submission of the written comments referred to in section 408(g).

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 410. (a) In addition to amounts otherwise authorized to be appropriated under this title for the National Institutes of Health, the following amounts are authorized to be appropriated:

"(1) For Centers for Research and Demonstrations of Health Promotion and Disease Prevention under section 405, there are authorized to be appropriated $10,000,000 for

fiscal year 1984, $20,000,000 for fiscal year 1985, and $25,000,000 for fiscal year 1986.

"(2)(A) For the National Cancer Institute (other than its programs under sections 413 and 415), there are authorized to be appropriated $1,163,000,000 for fiscal year 1984, $1,221,000,000 for fiscal year 1985, and $1,300,000,000 for fiscal year 1986.

"(B) There are authorized to be appropriated for the programs under section 413, $64,000,000 for fiscal year 1984, $74,000,000 for fiscal year 1985, and $84,000,000 for fiscal year 1986.

"(3)(A) For the National Heart, Lung, and Blood Institute (other than its programs under section 422), there are authorized to be appropriated $659,000,000 for fiscal year 1984, $756,000,000 for fiscal year 1985, and $865,000,000 for fiscal year 1986. Of the sums appropriated under this subsection for any fiscal year, not less than 15 per centum for such sums shall be reserved for programs respecting diseases of the lung and not less than 15 per centum of such sums shall be reserved for programs respecting blood diseases and blood resources.

"(B) For the programs under section 422, there are authorized to be appropriated $54,000,000 for fiscal year 1984, $62,000,000 for fiscal year September 30, 1985, and $71,000,000 for fiscal year 1986.

"(4)(A) For the National Diabetes Advisory Board and the National Digestive Diseases Advisory Board and for the advisory board established under section 448, there are authorized to be appropriated $400,000 for fiscal year 1984, $400,000 for fiscal year 1985, and $400,000 for fiscal year 1986.

"(B) For diabetes research and training centers under section 436, there are authorized to be appropriated $16,000,000 for fiscal year 1984, $18,000,000 for fiscal year 1985, and $20,000,000 for fiscal year 1986.

"(5)(A) For grants for arthritis and musculoskeletal diseases demonstration projects under section 446(a), there are authorized to be appropriated $2,000,000 for fiscal year 1984, and for each of the next two fiscal years.

"(B) For multipurpose arthritis and musculoskeletal diseases centers under section 447, there are authorized to be appropriated $15,000,000 for fiscal year 1984, $18,000,000 for fiscal year 1985, and $21,000,000 for fiscal year 1986.

"(6) For the National Diabetes Data System and the National Diabetes Information Clearinghouse under section 332 and the data system and clearinghouse under section 444, there are authorized to be appropriated $1,000,000 for fiscal year 1984, $1,100,000 for fiscal year 1985, and $1,200,000 for fiscal year 1986.

"(b)(1) Except as provided in paragraph (2), the sum of the amounts appropriated for any fiscal year for administrative expenses of the National Institutes of Health and its agencies may not exceed an amount which is 5.5 percent of the total amount appropriated for such fiscal year for the National Institutes of Health and its agencies to which this paragraph applies.

"(2) Paragraph (1) does not apply to the National Library of Medicine, the John E. Fogarty International Center for Advanced Study in the Health Sciences, and the Office of Medical Applications of Research.

"(3) For purposes of paragraph (1), the term 'administrative expenses' means expenses incurred for the support of activities relevant to the award of grants and contracts for research and expenses incurred for the administrative management and scientific direction of programs and activities of the National Institutes of Health and its agencies.

"PART C—SPECIFIC PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

"Subpart 1—National Cancer Institute

"PURPOSE OF INSTITUTE

"SEC. 411. The general purpose of the National Cancer Institute (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and related programs with respect to the cause, diagnosis, prevention, and treatment of cancer.

"NATIONAL CANCER PROGRAM

"SEC. 412. The national cancer program shall consist of (1) an expanded, intensified, and coordinated cancer research program encompassing the research programs conducted and supported by the Institute and the related research programs of the other national research institutes and including an expanded and intensified research program for the prevention of cancer caused by occupational or environmental exposure to carcinogens, and (2) the other programs and activities of the Institute.

"CANCER CONTROL PROGRAMS

"SEC. 413. The Director of the Institute shall establish and support demonstration, education, and other programs for the detection, diagnosis, prevention, and treatment of cancer and for rehabilitation and counseling respecting cancer. Programs established and supported under this section shall include—

"(1) locally initiated education and demonstration programs (and regional networks of such programs) to transmit research results and to disseminate information respecting the detection, diagnosis, prevention, and treatment of cancer and rehabilitation and counseling respecting cancer to physicians and other health professionals who provide care to individuals who have cancer;

"(2) the demonstration of and the education of students of the health professions and health professionals in—

"(A) effective methods for the prevention and early detection of cancer and the identification of individuals with a high risk of developing cancer; and

"(B) improved methods of patient referral to appropriate centers for early diagnosis and treatment of cancer; and

"(3) the demonstration of new methods for the dissemination of information to the general public concerning the prevention, early detection, diagnosis, and treatment and control of cancer and information concerning unapproved and ineffective methods, drugs, and devices for the diagnosis, prevention, treatment, and control of cancer.

"SPECIAL AUTHORITIES OF THE SECRETARY AND THE DIRECTOR

"SEC. 414. (a) The Secretary, acting through the Director of the Institute, shall establish an information and education center to collect, identify, analyze, and disseminate on a timely basis, through publications and other appropriate means, to cancer patients and their families, physicians and other health professionals, and the general public, information on cancer research, diagnosis, prevention, and treatment (including information respecting nutrition programs for cancer patients and the relationship between nutrition and cancer). The Director of the Institute may take such action as may be necessary to insure that all channels for the dissemination and exchange of scientific knowledge and information are maintained between the Institute and other scientific, medical, and biomedical disciplines and organizations nationally and internationally.

"(b) The Director of the Institute in carrying out the national cancer program—

"(1) may establish or support the large-scale production or distribution of specialized biological materials and other therapeutic substances for cancer research and set standards of safety and care for persons using such materials;

"(2) may, with the approval of the advisory council for the Institute, support (A) research in the cancer field outside the United States by highly qualified foreign nationals which research can be expected to inure to the benefit of the American people, (B) collaborative research involving American and foreign participants, and (C) the training of American scientists abroad and foreign scientists in the United States;

"(3) may, with the approval of the advisory council for the Institute, support appropriate programs of education (including continuing education) and training;

"(4) may encourage and coordinate cancer research by industrial concerns where such concerns evidence a particular capability for such research;

"(5) may obtain (with the approval of the Institute's advisory council and in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of such service) the services of not more than one hundred and fifty-one experts or consultants who have scientific or professional qualifications;

"(6)(A) may—

"(i) with the approval of the Institute's advisory council, acquire and construct; and

"(ii) improve, repair, operate, and maintain, such laboratories, other research facilities, equipment, and other real or personal property (including patents) as the Director deems necessary;

"(B) may make grants for new construction or renovation of facilities; and

"(C) may acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years;

"(7) may, with the approval of the Institute's advisory council, appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deems desirable to advise him with respect to his functions;

"(8) may, subject to section 407(b)(2), enter into such contracts, leases, cooperative agreements, or other transactions, without regard to section 3324 of title 31 of the United States Code and section 3709 of the Revised Statutes (41 U.S.C. 5), as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution; and

"(9)(A) shall prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate (including an estimate of the number and type of personnel needs for the Institute) for the national cancer program, after reasonable opportunity for comment (but without change) by the Secretary, the Director of NIH, and the Institute's advisory council; and (B) may receive from the President and

the Office of Management and Budget directly all funds appropriated by Congress for obligation and expenditure by the Institute.

"NATIONAL CANCER RESEARCH AND DEMONSTRATION CENTERS

"SEC. 415. The Director of the Institute, under policies established by the Director of NIH and after consultation with the Institute's advisory council, is authorized to enter into cooperative agreements with public or private nonprofit agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support during fiscal years 1984, 1985, and 1986 for at least fifty-five centers for basic and clinical research into, training in, and demonstration of advanced diagnostic, prevention, and treatment methods for cancer. Federal payments under this subsection in support of such cooperative agreements may be used for (1) construction (notwithstanding any limitation under section 488), (2) staffing and other basic operating costs, including such patient care costs as are required for research, (3) training, including training for allied health professionals, continuing education for health professionals and allied health professions personnel, and information programs for the public respecting cancer, and (4) demonstration purposes. As used in this section, the term 'construction' does not include the acquisition of land, and the term 'training' does not include research training for which fellowship support may be provided under section 479. Support of a center under this section may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of the operations of such center by an appropriate scientific review group established by the Director.

"PRESIDENT'S CANCER PANEL

"SEC. 416. (a)(1) The President's Cancer Panel (hereinafter in this section referred to as the 'Panel') shall be composed of three persons appointed by the President who by virtue of their training, experience, and background are exceptionally qualified to appraise the national cancer program.

"(2)(A) Members of the Panel shall be appointed for three-year terms, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member who has been appointed for a term of three years may not be reappointed to the Panel before two years from the date of the expiration of such term of office. If a vacancy occurs in the Panel, the President shall make an appointment to fill the vacancy not later than ninety days from the date the vacancy occurred.

"(B) The President shall designate one of the members to serve as the chairman of the Panel for a term of one year.

"(C) Members of the Panel shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Panel.

"(3) The Panel shall meet at the call of the chairman, but not less often than four times a year. A transcript shall be kept of the proceedings of each meeting of the Panel, and the chairman shall make such transcript available to the public.

"(b) The Panel shall monitor the development and execution of the activities of the national cancer program, and shall report directly to the President. Any delays or blockages in rapid execution of the program shall immediately be brought to the attention of the President. The Panel shall submit to the President periodic progress reports on the program and shall submit to the President, the Secretary, and the Congress an annual evaluation of the efficacy of the program and suggestions for improvements, and shall submit such other reports as the President shall direct.

"Subpart 2—National Heart, Lung, and Blood Institute

"PURPOSE OF THE INSTITUTE

"SEC. 421. The general purpose of the National Heart, Lung, and Blood Institute (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and other programs with respect to heart, blood vessel, lung, and blood diseases and with respect to the use of blood and blood products and the management of blood resources.

"HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PREVENTION AND CONTROL PROGRAMS

"SEC. 422. The Director of the Institute, under policies established by the Director of NIH and after consultation with the advisory council for the Institute, shall establish programs as necessary for cooperation with other Federal health agencies, State, local, and regional public health agencies, and nonprofit private health agencies in the diagnosis, prevention, and treatment (including the provision of emergency medical services) of heart, blood vessel, lung, and blood diseases, appropriately emphasizing the prevention, diagnosis, and treatment of such diseases of children.

"INFORMATION AND EDUCATION

"SEC. 423. The Secretary, acting through the Director of the Institute, shall collect, identify, analyze, and disseminate on a timely basis, through publications and other appropriate means, to patients, families of patients, physicians and other health professionals, and the general public, information on research, prevention, diagnosis, and treatment of heart, blood vessel, lung, and blood diseases, the maintenance of health to reduce the incidence of such diseases, and on the use of blood and blood products and the management of blood resources. In carrying out this section the Secretary shall place special emphasis upon—

"(1) the dissemination of information regarding diet and nutrition, environmental pollutants, exercise, stress, hypertension, cigarette smoking, weight control, and other factors affecting the prevention of arteriosclerosis and other cardiovascular diseases and of pulmonary and blood diseases; and

"(2) the dissemination of information designed to encourage children to adopt healthful habits respecting the risk factors related to the prevention of such diseases.

"NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASES AND BLOOD RESOURCES PROGRAM

"SEC. 424. (a) The National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program (hereinafter in this subpart referred to as the 'Program') may provide for—

"(1) investigation into the epidemiology, etiology, and prevention of all forms and aspects of heart, blood vessel, lung, and blood diseases, including investigations into the social, environmental, behavioral, nutritional biological, and genetic determinants and influences involved in the epidemiology, etiology, and prevention of such diseases;

"(2) studies and research into the basic biological processes and mechanisms involved in the underlying normal and abnormal heart, blood vessel, lung, and blood phenomena;

"(3) research into the development, trial, and evaluation of techniques, drugs, and devices (including computers) used in, and approaches to, the diagnosis, treatment (including the provision of emergency medical services), and prevention of heart, blood vessel, lung, and blood diseases and the rehabilitation of patients suffering from such diseases;

"(4) establishment of programs that will focus and apply scientific and technological efforts involving biological physical, and engineering sciences to all facets of heart, blood vessel, lung, and blood diseases with emphasis on refinement, development, and evaluation of technological devices that will assist, replace, or monitor vital organs and improve instrumentation for detection, diagnosis, and treatment of those diseases;

"(5) establishment of programs for the conduct and direction of field studies, large-scale testing and evaluation, and demonstration of preventive, diagnostic, therapeutic, and rehabilitative approaches to, and emergency medical services for, such diseases;

"(6) studies and research into blood diseases and blood, and into the use of blood for clinical purposes and all aspects of the management of its resources in this country, including the collection, preservation, fractionation, and distribution of it and its products;

"(7) the education (including continuing education) and training of scientists, clinical investigators, and educators, in fields and specialties (including computer sciences) requisite to the conduct of clinical programs respecting heart, blood vessel, lung, and blood diseases and blood resources;

"(8) public and professional education relating to all aspects of such diseases, including the prevention of such diseases, and the use of blood and blood products and the management of blood resources;

"(9) establishment of programs for study and research into heart, blood vessel, lung, and blood diseases of children (including cystic fibrosis, hyaline membrane, Cooley's anemia, and hemolytic and hemophilic diseases) and for the development and demonstration of diagnostic, treatment, and preventive approaches to these diseases; and

"(10) establishment of programs for study, research, development, demonstrations and evaluation of emergency medical services for people who become critically ill in connection with heart, blood vessel, lung, or blood diseases.

The Program shall be coordinated with other national research institutes to the extent that they have responsibilities respecting such diseases and shall give special emphasis to the continued development in the Institute of programs related to the causes of stroke and to effective coordination of such programs with related stroke programs in the National Institute of Neurological and Communicative Disorders and Stroke. The Director of the Institute, with the advice of the advisory council to the Institute, shall revise annually the plan for the Program and shall carry out the Program in accordance with such plan.

"(b) In carrying out the Program, the Director of the Institute, under policies established by the Director of NIH—

"(1) may, after approval of the advisory council to the Institute, obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of such service) the services of not more than one hundred experts or consultants who have scientific or professional qualifications;

"(2)(A) may—

"(i) after approval of the advisory council to the Institute, acquire and construct, and

"(ii) improve, repair, operate, alter, renovate, and maintain,

heart, blood vessel, lung, and blood disease and blood resource laboratory, research, training, and other facilities, equipment, and such other real or personal property (including patents) as the Director deems necessary; and

"(B) may acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise, through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years;

"(3) subject to section 407(b)(2), may enter into such contracts, leases, cooperative agreements, or other transactions, without regard to section 3324 of title 31 of the United States Code and section 3709 of the Revised Statutes (41 U.S.C. 5), as may be necessary in the conduct of the Director's functions, with any public agency, or with any person, firm, association, corporation, or educational institutions; and

"(4) may make grants to public and nonprofit private entities to assist in meeting the cost of the care of patients in hospitals, clinics, and related facilities who are participating in research projects.

"NATIONAL RESEARCH AND DEMONSTRATION CENTERS FOR HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASES, SICKLE CELL ANEMIA, AND BLOOD RESOURCES

"SEC. 425. (a)(1) The Director of the Institute may provide, in accordance with subsection (b), for the development of—

"(A) ten centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for heart and blood vessel diseases;

"(B) ten centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for lung diseases (including bronchitis, emphysema, asthma, cystic fibrosis, and other lung diseases of children); and

"(C) ten centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for blood diseases and research into blood, in the use of blood products and in the management of blood resources.

The Director of the Institute shall provide, in accordance with subsection (b), for the development of ten centers for basic and clinical research into the diagnosis, treatment, and control of sickle cell anemia.

"(2) The centers developed under paragraph (1) shall, in addition to being utilized for research, training, and demonstrations, be utilized for the following prevention programs for cardiovascular, pulmonary, and blood diseases:

"(A) Programs to develop improved methods of detecting individuals with a high risk of developing cardiovascular, pulmonary, and blood diseases.

"(B) Programs to develop improved methods of intervention against those factors which cause individuals to have a high risk of developing such diseases.

"(C) Programs to develop health professions and allied health professions personnel highly skilled in the prevention of such diseases.

"(D) Programs to develop improved methods of providing emergency medical services for persons with such diseases.

"(E) Programs of continuing education for health and allied health professionals in the diagnosis, prevention, and treatment of such diseases and the maintenance of health to reduce the incidence of such diseases and information programs for the public respecting the prevention and early diagnosis and treatment of such diseases and the maintenance of health.

"(3) The research, training, and demonstration activities carried out through any such center may relate to any one or more of the diseases referred to in paragraph (1) of this subsection.

"(b) The Director of the Institute, under policies established by the Director of NIH and after consultation with the advisory council to the Institute, may enter into cooperative agreements with public or nonprofit private agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for existing or new centers for basic or clinical research into, training in, and demonstration of, the management of blood resources and advanced diagnostic, prevention, and treatment methods for heart, blood vessel, lung, or blood diseases. Funds paid to centers under cooperative agreements under this subsection may be used for—

"(1) construction (notwithstanding any limitation under section 488),

"(2) staffing and other basic operating costs, including such patient care costs as are required for research,

"(3) training, including training for allied health professions personnel, and

"(4) demonstration purposes.

Support of a center under this subsection may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of the operations of such center by an appropriate scientific review group established by the Director.

"(c) As used in this section, the term 'construction' does not include the acquisition of land; and the term 'training' does not include research training for which fellowship support may be provided under section 479.

"INTERAGENCY TECHNICAL COMMITTEE

"SEC. 426. (a) The Secretary shall establish an Interagency Technical Committee on Heart, Blood Vessel, Lung and Blood Diseases and Blood Resources which shall be responsible for coordinating those aspects of all Federal health programs and activities relating to heart, blood vessel, lung, and blood diseases and to blood resources to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities.

"(b) The Director of the Institute shall serve as chairman of the Committee and the Committee shall include representation from all Federal departments and agencies whose programs involve health functions or responsibilities relevant to the functions of the Committee, as determined by the Secretary.

"Subpart 3—National Institute of Diabetes and Digestive and Kidney Diseases

"PURPOSE OF THE INSTITUTE

"SEC. 431. The general purpose of the National Institute of Diabetes and Digestive and Kidney Diseases (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and related programs with respect to diabetes mellitus and endocrine and metabolic diseases, digestive diseases and kidney and urologic diseases.

"INFORMATION CLEARINGHOUSES AND DATA SYSTEMS

"SEC. 432. (a) The Director shall (1) establish the National Diabetes Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with diabetes, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing diabetes, and (2) establish the National Diabetes Information Clearinghouse to facilitate and enhance knowledge and understanding of diabetes on the part of health professionals, patients, and the public through the effective dissemination of information.

"(b) The Director shall (1) establish the National Digestive Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with digestive diseases, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing digestive diseases, and (2) establish the National Digestive Diseases Information Clearinghouse to facilitate and enhance knowledge and understanding of digestive diseases on the part of health professionals, patients, and the public through the effective dissemination of information.

"(c) The Director shall (1) establish the National Kidney Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with kidney diseases, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing kidney diseases, and (2) establish the National Kidney Diseases Information Clearinghouse to facilitate and enhance knowledge and understanding of kidney diseases on the part of health professionals, patients, and the public through the effective dissemination of information.

"ASSOCIATE DIRECTORS FOR DIABETES AND DIGESTIVE AND KIDNEY DISEASES

"SEC. 433. (a) In the Institute there shall be an Associate Director for Diabetes, an Associate Director for Digestive Diseases, and an Associate Director for Kidney Diseases who, under the supervision of the Director, shall be responsible for—

"(1) developing a coordinated plan (including recommendations for expenditures) for each of the national research institutes within the National Institutes of Health with respect to research and training con-

cerning diabetes and digestive and kidney diseases;

"(2) assessing the adequacy of management approaches for the activities within such institutes concerning such diseases and developing improved approaches if needed;

"(3) monitoring and reviewing expenditures by such institutes concerning such diseases; and

"(4) identifying research opportunities concerning such diseases and recommending ways to utilize such opportunities.

The Director shall transmit to the Director of NIH the plans, recommendations, and reviews of the Associate Directors under paragraphs (1) through (4) together with such comments and recommendations as the Director of the Institute determines appropriate.

"(b) The Director of the Institute, acting through the Associate Director for Kidney Diseases, the Associate Director for Digestive Diseases, and the Associate Director for Diabetes, shall—

"(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 479) in the diagnosis, prevention, and treatment of digestive diseases and nutrition, diabetes mellitus, and endocrine and metabolic, kidney, urologic, and hematologic diseases, including support for training in medical schools, graduate clinical training, graduate training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs; and

"(2) establish programs of evaluation, planning, and dissemination of knowledge related to such research and training.

"INTERAGENCY COORDINATING COMMITTEES

"SEC. 434. (a) For the purpose of—

"(1) better coordination of the research activities of all the national research institutes relating to diabetes mellitus, digestive diseases, and kidney and urologic diseases; and

"(2) coordinating those aspects of all Federal health programs and activities relating to such diseases to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities;

the Secretary shall establish a Diabetes Mellitus Interagency Coordinating Committee, a Digestive Diseases Interagency Coordinating Committee, and a Kidney and Urologic Diseases Coordinating Committee (hereinafter in this section individually referred to as a 'Committee').

"(b) Each committee shall be composed of the Directors (or their designees) of each of the national research institutes and divisions involved in research involving the diseases with respect to which the committee is established, the Associate Directors of the Institute for the diseases for which the committee is established, the chief medical director (or the director's designee) of the Veterans' Administration, and a medical officer designated by the Department of Defense, and shall include representation from all other Federal departments and agencies whose programs involve health functions or responsibilities relevant to such diseases, as determined by the Secretary. Each committee shall be chaired by the Director of NIH (or his designee). Each committee shall meet at the call of the chairman, but not less often than four times a year.

"(c) Each committee shall prepare an annual report for—

"(1) the Secretary,

"(2) the Director of NIH, and

"(3) the Advisory Board established under section 435 for the diseases for which the committee was established,

detailing the work of the committee in the fiscal year for which the report was prepared in carrying out the coordinating activities described in paragraphs (1) and (2) of subsection (a). Such report shall be submitted not later than the one hundred and twentieth day after the end of each fiscal year.

"ADVISORY BOARDS

"SEC. 435. (a) The Secretary shall establish in the Institute the National Diabetes Advisory Board, the National Digestive Diseases Advisory Board, and the National Kidney and Urologic Diseases Advisory Board (hereinafter in this section individually referred to as an 'Advisory Board').

"(b) Each Advisory Board shall be composed of eighteen appointed members and nonvoting, ex officio members as follows:

"(1) The Secretary shall appoint—

"(A) twelve members from individuals who are scientists, physicians, and other health professionals, who are not officers or employees of the United States, and who represent the specialties and disciplines relevant to the diseases with respect to which the Advisory Board is established; and

"(B) six members from the general public who are knowledgeable with respect to such diseases, including at least one member who is a person who suffers from such a disease and one member who is a parent of a person who suffers from such a disease.

Of the appointed members at least five shall by virtue of training or experience be knowledgeable in health education, nursing, data systems, public information, or community program development.

"(2) The following shall be ex officio members of each Advisory Board: The Assistant Secretary for Health, the Director of NIH, the Director of the National Institute of Diabetes and Digestive and Kidney Diseases, the Director of the Centers for Disease Control, the chief medical director of the Veterans' Administration, the Assistant Secretary for Medical Affairs of the Department of Defense (or the designees of such ex officio members), the Associate Director of the National Institute of Diabetes and Digestive and Kidney Diseases for the diseases for which the Board is established, and such other officers and employees of the United States as the Secretary deems necessary for the Advisory Board to carry out its functions. In the case of the National Diabetes Advisory Board, the following shall also be ex officio members: The Director of the National Heart, Lung, and Blood Institute, the Director of the National Eye Institute, the Director of the National Institute of Child Health and Human Development, the Administrator of the Health Resources Administration, and the Administrator of the Health Services Administration (or the designees of such ex officio members).

"(c) Members of an Advisory Board who are officers or employees of the Federal Government shall serve as members of the Advisory Board without compensation in addition to that received in their regular public employment. Other members of the Board shall receive compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule for each day (including traveltime) they are engaged in the performance of their duties as members of the Board.

"(d) The term of office of an appointed member of an Advisory Board is three years, except that no term of office may extend beyond the expiration of the Advisory Board. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. If a vacancy occurs in an Advisory Board, the Secretary shall make an appointment to fill the vacancy not later than ninety days from the date the vacancy occurred.

"(e) The members of each Advisory Board shall select a chairman from among the appointed members.

"(f) The Secretary shall, after consultation with and consideration of the recommendations of an Advisory Board, provide the Advisory Board with an executive director and one other professional staff member. In addition, the Secretary shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with such additional professional staff members, such clerical staff members, and (through contracts or other arrangements) with such administrative support services and facilities, such information, and such services of consultants, as the Secretary determines are necessary for the Advisory Board to carry out its functions.

"(g) Each Advisory Board shall meet at the call of the chairman or upon request of the Director of the Institute, but not less often than four times a year.

"(h) Each Advisory Board shall—

"(1) in the case of the Advisory Boards for diabetes and digestive diseases, review and evaluate the implementation of the plan (referred to in section 441) respecting the diseases with respect to which the Advisory Board was established and periodically update the plan to ensure its continuing relevance;

"(2) for the purpose of assuring the most effective use and organization of resources respecting such diseases, advise and make recommendations to the Congress, the Secretary, the Director of NIH, the Director of the Institute, and the heads of other appropriate Federal agencies for the implementation and revision of such plan; and

"(3) maintain liaison with other advisory bodies related to Federal agencies involved in the implementation of such plan, the coordinating committee for such diseases, and with key non-Federal entities involved in activities affecting the control of such diseases.

"(i) In carrying out its functions, each Advisory Board may establish subcommittees, convene workshops and conferences, and collect data. Such subcommittees may be composed of Advisory Board members and nonmember consultants with expertise in the particular area addressed by such subcommittees. The subcommittees may hold such meetings as are necessary to enable them to carry out their activities.

"(j) Each Advisory Board shall prepare an annual report for the Secretary which—

"(1) describes the Advisory Board's activities in the fiscal year for which the report is made;

"(2) describes and evaluates the progress made in such year in research, treatment, education, and training with respect to the diseases with respect to which the Advisory Board was established;

"(3) summarizes and analyzes expenditures made by the Federal Government for activities respecting such diseases in the fiscal year for which the report is made; and

"(4) contains the Advisory Board's recommendations (if any) for changes in the plan referred to in subsection (h)(1).

"(k) Each Advisory Board shall expire on September 30, 1986.

"(l) The National Diabetes Advisory Board and the National Digestive Diseases Advisory Board in existence on the date of the enactment of the Health Research Act of 1983 shall terminate upon the appointment of a successor Board under subsection (a). The Secretary shall make appointments to the Advisory Boards established under subsection (a) before the expiration of ninety days after such date of enactment. The members of the Boards in existence on such date may be appointed, in accordance with subsections (b) and (d), to the Boards established under subsection (a) for diabetes and digestive diseases except that at least one-half of the members of the National Diabetes Advisory Board in existence on the date of the enactment of the Health Research Act of 1983 shall be appointed to the National Diabetes Advisory Board first established under subsection (a).

"RESEARCH AND TRAINING CENTERS

"SEC. 436. (a) Consistent with applicable recommendations of the National Commission on Diabetes, the Director of the Institute shall provide for the development, or substantial expansion of centers for research and training in diabetes mellitus and related endocrine and metabolic diseases. Each center developed or expanded under this subsection shall (1) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research and training qualifications as may be prescribed by the Secretary; and (2) conduct (A) research in the diagnosis and treatment of diabetes mellitus and related endocrine and metabolic diseases and the complications resulting from such diseases, (B) training programs for physicians and allied health personnel in current methods of diagnosis and treatment of such diseases and complications, and in research in diabetes, and (C) information programs for physicians and allied health personnel who provide primary care for patients with such diseases or complications. A center may use funds provided under this subsection to provide stipends for nurses and allied health professionals enrolled in research training programs described in clause (B).

"(b) Consistent with applicable recommendations of the National Digestive Diseases Advisory Board, the Director shall provide for the development or substantial expansion of centers for research in digestive diseases and related functional, congenital, metabolic disorders, and normal development of the digestive tract. Each center developed or expanded under this subsection shall (1) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research qualifications as may be prescribed by the Secretary; (2) develop and conduct basis and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of digestive diseases and related functional, congenital, or metabolic complications resulting from such diseases or disorders, (3) shall encourage research into and programs for (A) providing information for physicians and others who care for patients with such diseases, disorders, and complications; patients and their families; and the general public; (B) model programs for cost effective and preventive patient care; and (C) training physicians and scientists in research on such diseases, disorders, and complications; and (4) may perform research and participate in epidemiological studies and gathering data relevant to digestive diseases and disorders to disseminate to the health care profession and to the public.

"(c) The Director shall provide for the development or substantial expansion of centers for research in kidney and urologic diseases. Each center developed or expanded under this subsection shall (1) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research qualifications as may be prescribed by the Secretary; (2) develop and conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of kidney and urologic diseases, (3) shall encourage research into and programs for (A) providing information by physicians and others who care for patients with such disease; patients and their families; and the general public; (B) model programs for cost effective and preventive patient care; and (C) training physicians and scientists in research on such diseases; and (4) may perform research and participate in epidemiological studies and gathering data relevant to kidney and urologic diseases to disseminate to the health care profession and to the public.

"(d) Insofar as practicable, centers established, developed, or expanded under this section should be geographically dispersed throughout the United States and in environments with proven research capabilities. Support of a center under this section may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of the operations of such center by an appropriate scientific review group established by the Director.

"ADVISORY COUNCIL SUBCOMMITTEES

"SEC. 437. There are established within the advisory council of the Institute appointed under section 408 a subcommittee on diabetes and endocrine and metabolic diseases, a subcommittee on digestive diseases and nutrition, and a subcommittee on kidney, urologic, and hematologic diseases. The subcommittees shall be composed of members of the advisory council who are outstanding in the diagnosis, prevention, and treatment of the diseases for which the subcommittees are established and members of the advisory council who are leaders in the fields of education and public affairs. The subcommittees are authorized to review applications made to the Director for grants for research and training projects relating to the diagnosis, prevention, and treatment of the diseases for which the subcommittees are established and shall recommend to the advisory council those applications and contracts that the subcommittees determine will best carry out the purposes of the Institute. The subcommittees shall also review and evaluate the diabetes and endocrine and metabolic diseases, digestive diseases and nutrition, and kidney, urologic, and hematologic diseases programs of the Institute and recommend to the advisory council such changes in the administration of such programs as the subcommittees determine are necessary.

"BIENNIAL REPORT

"SEC. 438. The Director of the Institute shall prepare for inclusion in the biennial report made under section 404 a description of the Institute's activities—

"(1) under the current diabetes plan under the National Diabetes Mellitus Research and Education Act; and

"(2) under the current digestive diseases plan formulated under the Arthritis, Diabetes, and Digestive Diseases Amendments of 1976.

The description submitted by the Director shall include an evaluation of the activities of the centers supported under section 436.

"Subpart 4—National Institute of Arthritis and Musculoskeletal Diseases

"PURPOSES OF THE INSTITUTE

"SEC. 443. (a) The general purpose of the National Institute of Arthritis and Musculoskeletal Diseases (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and related programs with respect to arthritis and musculoskeletal diseases, including sports-related disorders, and skin diseases.

"(b) The Director of the Institute, with the advice of its advisory council, shall develop a plan for a national arthritis and musculoskeletal program to expand, intensify, and coordinate the activities of the Institute respecting the diseases, and shall carry out the program in accordance with such plan. The program shall be coordinated with the other national research institutes of the National Institutes of Health to the extent that they have responsibilities respecting such diseases and shall, at least, provide for—

"(1) investigation into the epidemiology, etiology, and prevention of all forms of arthritis and musculoskeletal diseases, including sports-related disorders, primarily through support of basic research and such areas as immunology, genetics, biochemistry, microbiology, physiology, bioengineering, and any other scientific discipline which can contribute important knowledge to the treatment and understanding of these diseases;

"(2) research into the development, trial, and evaluation of techniques, drugs, and devices used in the diagnosis, treatment, and prevention of arthritis and musculoskeletal diseases and medical rehabilitation of individuals with such diseases and disabilities;

"(3) research on the refinement, development, and evaluation of technological devices that will replace or be a substitute for damaged bone, muscle, and joints and other supporting structures; and

"(4) establish mechanisms to monitor the causes of athletic injuries and identify ways of preventing such injuries on scholastic athletic fields.

"(c) The Director of the Institute shall—

"(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 479) in the diagnosis, prevention, and treatment (including medical rehabilitation) of arthritis, musculoskeletal diseases, and skin diseases, including support for training in medical schools, graduate clinical training, graduate training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs; and

"(2) establish programs of evaluation, planning, and dissemination of knowledge related to such research and training.

"INFORMATION CLEARINGHOUSE AND DATA SYSTEM

"SEC. 444. The Director shall (1) establish the National Arthritis and Musculoskeletal Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with arthritis and musculoskeletal diseases, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing such diseases, and (2) establish the National Arthritis and Musculoskeletal Diseases Information Clearinghouse to facilitate and enhance knowledge and understanding of arthritis and musculoskeletal diseases on the part of health professionals, patients, and the public through the effective dissemination of information on such diseases.

"INTERAGENCY COORDINATING COMMITTEES

"SEC. 445. (a) For the purpose of—

"(1) better coordination of the research activities of all the national research institutes relating to arthritis, skin diseases, and musculoskeletal diseases, including sports-related disorders; and

"(2) coordinating those aspects of all Federal health programs and activities relating to such diseases to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities;

the Secretary shall establish an Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and a Skin Disease Interagency Coordinating Committee (hereinafter in this section individually referred to as a 'Committee').

"(b) Each Committee shall be composed of the Director (or his designee) of the Institute and its divisions involved in research involving arthritis and musculoskeletal diseases or skin diseases, as may be appropriate, the chief medical director (or the director's designee) of the Veterans' Administration, and a medical officer designated by the Department of Defense, and shall include representation from all other Federal departments and agencies whose programs involve health functions or responsibilities relevant to arthritis and musculoskeletal diseases, as determined by the Secretary. Each Committee shall be chaired by the Director of NIH (or his designee). Each Committee shall meet at the call of the chairman, but not less often than four times a year.

"(c) Each Committee shall prepare an annual report for—

"(1) the Secretary; and

"(2) the Director of NIH,

detailing the work of the Committee in the fiscal year for which the report was prepared in carrying out the coordinating activities described in paragraphs (1) and (2) of subsection (a). Such report shall be submitted not later than the one hundred and twentieth day after the end of each fiscal year.

"ARTHRITIS AND MUSCULOSKELETAL DISEASES DEMONSTRATION PROJECTS

"SEC. 446. (a) The Secretary may make grants to public and other nonprofit entities to establish and support projects for the development and demonstration of methods for arthritis and musculoskeletal diseases screening and detection and for referral for treatment and medical rehabilitation, and for dissemination of information on these methods to the health and allied health professions. Activities under such projects shall be coordinated with (1) Federal, State, local, and regional health agencies, (2) centers assisted under section 447, and (3) the data system established under subsection (c).

"(b) Projects under this section shall include—

"(1) programs which emphasize the development and demonstration of new and improved methods of screening and early detection, referral for treatment, and diagnosis of individuals with a risk of developing arthritis and musculoskeletal diseases;

"(2) programs which emphasize the development and demonstration of new and improved methods for patient referral from local hospitals and physicians to appropriate centers for early diagnosis and treatment;

"(3) programs which emphasize the development and demonstration of new and improved means of standardizing patient data and recordkeeping;

"(4) programs which emphasize the development and demonstration of new and improved methods of dissemination of knowledge about the projects and methods referred to in the preceding paragraphs of this subsection to health and allied health professionals;

"(5) programs which emphasize the development and demonstration of new and improved methods for the dissemination to the general public of information—

"(A) on the importance of early detection of arthritis and musculoskeletal diseases, of seeking prompt treatment, and of following an appropriate regiment; and

"(B) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive treatment, and control methods for arthritis and unapproved and ineffective drugs and devices for arthritis and musculoskeletal diseases; and

"(6) projects for the investigation into the epidemiology of all forms and aspects of arthritis and musculoskeletal diseases, including investigations into the social, environmental, behavioral, nutritional, and genetic determinants and influences involved in the epidemiology of such diseases.

"(c) The Director shall provide for the standardization of patient data and recordkeeping for the collection, storage, analysis, retrieval, and dissemination of such data in cooperation with projects under this section and centers assisted under section 447, and other persons engaged in arthritis and musculoskeletal diseases programs.

"MULTIPURPOSE ARTHRITIS AND MUSCULOSKELETAL DISEASES CENTERS

"SEC. 447. (a) The Director of the Institute shall, after consultation with the advisory council to the Institute and consistent with the arthritis plan developed under section 443(b), provide for the development, modernization, and operation (including staffing and other operating costs such as the costs of patient care required for research) of new and existing centers for arthritis and musculoskeletal diseases. For purposes of this section, the term 'modernization' means the alteration, remodeling, improvement, expansion, and repair of existing buildings and the provision of equipment for such buildings to the extent necessary to make them suitable for use as centers described in the preceding sentence.

"(b) Each center assisted under this section shall—

"(1)(A) use of the facilities of a single institution or a consortium of cooperating institutions, and (B) meet such qualifications as may be prescribed by the Secretary; and

"(2) conduct—

"(A) basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of arthritis and musculoskeletal diseases and complications resulting from such diseases, including research into implantable biomaterials and biomechanical and other orthopaedic procedures and medical rehabilitation of individuals with such diseases;

"(B) training programs for physicians, scientists, and other health and allied health professionals;

"(C) information and continuing education programs for physicians and other health and allied health professionals who provide care for patients with arthritis and musculoskeletal diseases; and

"(D) programs for the dissemination to the general public of information—

"(i) on the importance of early detection of arthritis and musculoskeletal diseases, of seeking prompt treatment, and of following an appropriate regimen; and

"(ii) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive, treatment, and control methods and unapproved and ineffective drugs and devices.

A center may use funds provided under subsection (a) to provide stipends for health professionals enrolled in training programs described in paragraph (2)(B).

"(c) Each center assisted under this section may conduct programs to—

"(1) establish the effectiveness of new and improved methods of detection, referral, and diagnosis of individuals with a risk of developing arthritis and musculoskeletal diseases,

"(2) disseminate the results of research, screening, and other activities, and develop means of standardizing patient data and recordkeeping, and

"(3) develop community consultative services to facilitate the referral of patients to centers for treatment.

"(d) The Director shall insofar as practicable, provide for an equitable geographical distribution of centers assisted under this section. The Director shall give appropriate consideration to the need for centers especially suited to meeting the needs of children affected by arthritis.

"(e) Support of a center under this section may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of the operations of such center by an appropriate scientific review group established by the Director.

"ADVISORY BOARD

"SEC. 448. (a) The Secretary shall establish in the Institute the National Arthritis Advisory Board (hereinafter in this section referred to as the 'Advisory Board').

"(b) The Advisory Board shall be composed of eighteen appointed members and nonvoting, ex officio members as follows:

"(1) The Secretary shall appoint—

"(A) twelve members from individuals who are scientists, physicians, and other health professionals, who are not officers or employees of the United States, and who represent the specialties and disciplines relevant to arthritis, musculoskeletal diseases, and skin diseases; and

"(B) six members from the general public who are knowledgeable with respect to such diseases, including at least one member who

is a person who suffers from such a disease and one member who is a parent of a person who suffers from such a disease.

Of the appointed members at least five shall by virtue of training or experience be knowledgeable in health education, nursing, data systems, public information, or community program development.

"(2) The following shall be ex officio members of the Advisory Board: The Assistant Secretary for Health, the Director of NIH, the Director of the National Institute of Arthritis and Musculoskeletal Diseases, the Director of the Center for Disease Control, the chief medical director of the Veterans' Administration, the Assistant Secretary for Medical Affairs of the Department of Defense (or the designees of such ex officio members), such other officers and employees of the United States as the Secretary deems necessary for the Advisory Board to carry out its functions.

"(c) Members of the Advisory Board who are officers or employees of the Federal Government shall serve as members of the Advisory Board without compensation in addition to that received in their regular public employment. Other members of the Board shall receive compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule for each day (including traveltime) they are engaged in the performance of their duties as members of the Board.

"(d) The term of office of an appointed member of the Advisory Board is three years. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. If a vacancy occurs in the Advisory Board, the Secretary shall make an appointment to fill the vacancy not later than ninety days from the date the vacancy occurred.

"(e) The members of the Advisory Board shall select a chairman from among the appointed members.

"(f) The Secretary shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with an executive director and one other professional staff member. In addition, the Secretary shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with such additional professional staff members, such clerical staff members, and (through contracts or other arrangements) with such administrative support services and facilities, such information, and such services of consultants, as the Secretary determines are necessary for the Advisory Board to carry out its functions.

"(g) The Advisory Board shall meet at the call of the chairman or upon request of the Director of the Institute, but not less often than four times a year.

"(h) The Advisory Board shall—

"(1) review and evaluate the implementation of the plan under section 443 and periodically update the plan to ensure its continuing relevance;

"(2) for the purpose of assuring the most effective use and organization of resources respecting arthritis, musculoskeletal diseases and skin diseases, advise and make recommendations to the Congress, the Secretary, the Director of NIH, the Director of the Institute, and the heads of other appropriate Federal agencies for the implementation and revision of such plan; and

"(3) maintain liaison with other advisory bodies related to Federal agencies involved in the implementation of such plan, the coordinating committee for such diseases, and with key non-Federal entities involved in activities affecting the control of such diseases.

"(i) In carrying out its functions, the Advisory Board may establish subcommittees, convene workshops and conferences, and collect data. Such subcommittees may be composed of Advisory Board members and nonmember consultants with expertise in the particular area addressed by such subcommittees. The subcommittees may hold such meetings as are necessary to enable them to carry out their activities.

"(j) The Advisory Board shall prepare an annual report for the Secretary which—

"(1) describes the Advisory Board's activities in the fiscal year for which the report is made;

"(2) describes and evaluates the progress made in such year in research, treatment, education, and training with respect to arthritis, musculoskeletal diseases, and skin diseases;

"(3) summarizes and analyzes expenditures made by the Federal Government for activities respecting such diseases in the fiscal year for which the report is made; and

"(4) contains the Advisory Board's recommendations (if any) for changes in the plan referred to in subsection (h)(1).

"(k) The National Arthritis Advisory Board in existence on the date of the enactment of the Health Research Act of 1983 shall terminate not later than ninety days after such date. The Secretary shall make appointments to the Advisory Board established under subsection (a) before the expiration of such days. The members of the Board in existence on such date may be appointed, in accordance with subsections (b) and (d), to the Board established under subsection (a).

"BIENNIAL REPORT

"SEC. 449. The Director of the Institute shall prepare for inclusion in the biennial report made under section 404 a description of the Institute's activities under the plan developed under section 443(b). The description submitted by the Director shall include an evaluation of the activities of the centers supported under section 447.

"Subpart 5—National Institute on Aging

"PURPOSE OF THE INSTITUTE

"SEC. 451. The general purpose of the National Institute on Aging (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of biomedical, social, and behavioral research, training, health information dissemination, and related programs with respect to the aging process and the diseases and other special problems and needs of the aged.

"SPECIAL FUNCTIONS OF THE SECRETARY

"SEC. 452. (a) In carrying out the training responsibilities under this Act or any other Act for health and allied health professions personnel, the Secretary shall take appropriate steps to insure the education and training of adequate numbers of allied health, nursing, and paramedical personnel in the field of health care for the aged.

"(b) The Secretary shall, through the Director of the Institute, conduct scientific studies to measure the impact on the biological, medical, and psychological aspects of aging of programs and activities assisted or conducted by the Department of Health and Human Services.

"(c) The Director of the Institute shall carry out public information and education programs designed to disseminate as widely as possible the findings of Institute-sponsored and other relevant aging research and studies and other information about the process of aging which may assist elderly and near-elderly persons in dealing with, and all Americans in understanding, the problems and processes associated with growing older.

"ALZHEIMER'S DISEASE CENTERS

"SEC. 453. (a) The Director of the Institute may provide, in accordance with subsection (b), for the development of centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for Alzheimer's disease.

"(b) The Director of the Institute, under policies established by the Director of NIH and after consultation with the advisory council to the Institute, may enter into cooperative agreements with public or nonprofit private agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for existing or new centers for basic or clinical research into, training in, and demonstration of advanced diagnostic, prevention, and treatment methods for Alzheimer's disease. Funds paid to centers under cooperative agreements under this subsection may be used for—

"(1) construction (notwithstanding any limitation under section 488);

"(2) staffing and other basic operating costs, including such patient care costs as are required for research;

"(3) training, including training for allied health professions personnel; and

"(4) demonstration purposes.

Support of a center under this subsection may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of the operations of such center by an appropriate scientific review group established by the Director.

"(c) As used in this section, the term 'construction' does not include the acquisition of land; and the term 'training' does not include research training for which fellowship support may be provided under section 479.

"Subpart 6—National Institute of Allergy and Infectious Diseases

"PURPOSE OF THE INSTITUTE

"SEC. 455. The general purpose of the National Institute of Allergy and Infectious Diseases is the conduct and support of research, training, health information dissemination, and related programs with respect to allergic and immunologic diseases and disorders and infectious diseases.

"Subpart 7—National Institute of Child Health and Human Development

"PURPOSE OF THE INSTITUTE

"SEC. 457. The general purpose of the National Institute of Child Health and Human Development (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and related programs with respect to maternal health, child health, mental retardation, human growth and development, including prenatal development, population research, and spe-

cial health problems and requirements of mothers and children.

"SUDDEN INFANT DEATH SYNDROME

"SEC. 458. The Secretary shall, through the Director of the Institute, conduct and support research which specifically relates to sudden infant death syndrome.

"MENTAL RETARDATION RESEARCH CENTERS

"SEC. 459. The Secretary shall, through the Director of the Institute, make grants for research and related activities into the causes, prevention, and treatment of mental retardation. The Secretary shall give special consideration to applications under this section submitted by centers which were constructed under part D of title VII of this Act added by section 101 of Public Law 88-164 and which are engaged in such research or activities.

"RESEARCH ON LUPUS ERYTHEMATOSUS

"SEC. 460. (a) The Secretary shall establish in the Institute a Lupus Erythematosus Coordinating Committee to plan, develop, coordinate, and implement comprehensive Federal initiatives in research on Lupus Erythematosus.

"(b)(1) The Committee shall be composed of—

"(A) the Director of the National Institute of Neurological Communicative Disorders, and Stroke;

"(B) the Director or designee of the National Institute of Allergy and Infectious Diseases;

"(C) the Director or designee of the National Institute of Arthritis and Musculoskeletal Diseases;

"(D) the Director or designee of the National Institute of Child Health and Human Development;

"(E) the Director or designee of the National Institute of General Medical Sciences;

"(F) the Director or designee of the National Heart, Lung, and Blood Institute;

"(G) the National Institute of Diabetes and Digestive and Kidney Diseases; and

"(H) the Director or designee of the Centers for Disease Control.

"(2) The Committee shall meet at least four times a year. The Secretary shall designate the Chairman from the representatives of the Committee selected under paragraph (1). The Secretary shall make such designation so that a representative from each agency referred to in paragraph (1) will serve as Chairman of the Committee. The Chairman shall serve for a term of one year.

"(c) The Committee shall prepare an annual report for Congress on its activities. The report shall include a description of research projects on Lupus Erythematosus conducted or supported by Federal agencies in the fiscal year for which the report is made, the nature and purpose of each such project, the amounts expended for each such project, and an identification of the entity which conducted the research under each such project. Such report shall be submitted not later than the one hundred and twentieth day after the end of each fiscal year.

"Subpart 8—National Institute of Dental Research

"PURPOSE OF INSTITUTE

"SEC. 461. The general purpose of the National Institute of Dental Research is the conduct and support of research, training, health information dissemination, and related programs with respect to the cause, prevention, and methods of diagnosis and treatment of dental diseases and conditions.

"Subpart 9—National Eye Institute

"PURPOSE OF INSTITUTE

"SEC. 463. The general purpose of the National Eye Institute (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and related programs with respect to blinding eye diseases, visual disorders, mechanisms of visual function, preservation of sight, and the special health problems and requirements of the blind. The Secretary may, through the Director of the Institute, carry out a program of grants for public and private nonprofit vision research facilities.

"Subpart 10—National Institute of Neurological and Communicative Disorders and Stroke

"PURPOSE OF THE INSTITUTE

"SEC. 465. The general purpose of the National Institute of Neurological and Communicative Disorders and Stroke is the conduct and support of research, training, health information dissemination, and related programs with respect to neurological disease and disorder, stroke, and disorders of human communication.

"SPINAL CORD REGENERATION RESEARCH

"SEC. 466. The Director of the Institute shall conduct and support research into spinal cord regeneration.

"BIOENGINEERING RESEARCH

"SEC. 467. The Director of the Institute shall make grants or enter into contracts for research on the means to overcome paralysis of the extremities through electrical stimulation and the use of computers.

"Subpart 11—National Institute of General Medical Sciences

"PURPOSE OF THE INSTITUTE

"SEC. 469. The general purpose of the National Institute of General Medical Sciences is the conduct and support of research, training, and, as appropriate, health information dissemination, and related programs with respect to general or basic medical sciences and related natural or behavioral sciences which have significance for two or more other national research institutes or are outside the general area of responsibility of any other national research institute.

"Subpart 12—National Institute of Environmental Health Sciences

"PURPOSE OF THE INSTITUTE

"SEC. 471. The general purpose of the National Institute of Environmental Health Sciences is the conduct and support of research, training, health information dissemination, and related programs with respect to factors in the environment that affect human health, directly or indirectly.

"Subpart 13—National Institute of Nursing

"PURPOSE OF THE INSTITUTE

"SEC. 473. The general purpose of the National Institute of Nursing (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of, and dissemination of information respecting, basic and clinical research, training, and related programs in nursing.

"SPECIFIC AUTHORITIES

"SEC. 474. (a) The Chief Nursing Officer of the Veteran's Administration and the Director of the Division of Nursing of the Health Resources and Services Administration shall be ex officio members of the advisory council to the Institute appointed under section 408. Of the members appointed to the advisory council under section 408(b)(1)(A), seven shall be professional nurses who are recognized experts in the area of clinical practice, education, or research.

"(b) To carry out section 473, the Director of the Institute, may provide research training and instruction and establish research traineeships and fellowships, in the Institute and other nonprofit institutions, in the study and investigation of the prevention of disease, health promotion, and the nursing care of individuals with and the families of individuals with acute and chronic illnesses. The Director of the Institute may provide individuals receiving such training and instruction or such traineeships or fellowships with such stipends and allowances (including amounts for travel and subsistence and dependency allowances) as the Director deems necessary. The Director may make grants to nonprofit institutions to provide such training and instruction and traineeships and fellowships.".

"PART D—OTHER AGENCIES OF NIH

"DIVISION OF RESEARCH RESOURCES

"SEC. 475. The general purposes of the Division of Research Resources is to strengthen and enhance the research environments of entities engaged in health-related research by developing and supporting essential research resources;

"JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE HEALTH SCIENCES

"SEC. 476. The general purpose of the John E. Fogarty International Center for Advanced Study in the Health Sciences is to—

"(1) facilitate the assembly of scientists and others in the biomedical, behavioral, and related fields for discussion, study, and research relating to the development of health science internationally;

"(2) provide research programs, conferences, and seminars to further international cooperation and collaboration in the life sciences;

"(3) provide postdoctorate fellowships for research training in the United States and abroad and promote exchanges between the United States and other countries of senior scientists;

"(4) coordinate the activities of the National Institutes of Health concerned with the health sciences internationally, and

"(5) serve as the focus for foreign visitors to the National Institutes of Health.

"PART E—AWARDS AND TRAINING

"NATIONAL RESEARCH SERVICE AWARDS

"SEC. 479. (a)(1) The Secretary shall—

"(A) provide National Research Service Awards for—

"(i) biomedical and behavioral research at the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration and under programs administered by the National Institute of Nursing, in matters relating to the cause, diagnosis, prevention, and treatment of the diseases or other health problems to which the activities of the Institutes and Administration are directed;

"(ii) training at the National Institutes of Health and at the Administrations of individuals to undertake such research;

"(iii) biomedical and behavioral research at public and nonprofit private institutions; and

"(iv) pre- and post-doctoral training at public and private institutions of individuals to undertake biomedical and behavioral research; and

"(B) make grants to public and nonprofit private institutions to enable such institutions to make individuals selected by them National Research Service Awards for research (and training to undertake biomedical and behavioral research) in the matters described in subparagraph (A)(i).

A reference in this subsection to the National Institutes of Health or the Alcohol, Drug Abuse, and Mental Health Administration shall be considered to include the institutes, agencies, divisions, and bureaus included in the Institutes or under the Administration, as the case may be.

"(2) National Research Service Awards may not be used to support residency training of physicians and other health professionals.

"(3) In awarding National Research Service Awards under this section, the Secretary shall take account of the Nation's overall need for biomedical research personnel by giving special consideration to physicians who agree to undertake a minimum of two years of biomedical research.

"(b)(1) No National Research Service Award may be made by the Secretary to any individual unless—

"(A) the individual has submitted to the Secretary an application therefor and the Secretary has approved the application;

"(B) the individual provides, in such form and manner as the Secretary shall by regulation prescribe, assurances satisfactory to the Secretary that the individual will meet the service requirement of subsection (c)(1); and

"(C) in the case of a National Research Service Award for a purpose described in subsection (a)(1)(A)(iii), the individual has been sponsored (in such manner as the Secretary may by regulation require) by the institution at which the research or training under the award will be conducted.

An application for an award shall be in such form, submitted in such manner, and contain such information, as the Secretary may by regulation prescribe.

"(2) The making of grants under subsection (a)(1)(B) for National Research Service Awards shall be subject to review and approval by the appropriate advisory councils within the Department of Health and Human Services (A) whose activities relate to the research or training under the awards, or (B) for the entity at which such research or training will be conducted.

"(3) No grant may be made under subsection (a)(1)(B) unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary may by regulation prescribe. Subject to the provisions of this section other than paragraph (1) of this subsection, National Research Service Awards made under a grant under subsection (a)(1)(B) shall be made in accordance with such regulations as the Secretary shall prescribe.

"(4) The period of any National Research Service Awards made to any individual under subsection (a) may not exceed—

"(A) five years in the aggregate for predoctoral training; and

"(B) three years in the aggregate for postdoctoral training,

unless the Secretary for good cause shown waives the application of such limit to such individual.

"(5) National Research Service Awards shall provide for such stipends, tuition, fees, and allowances (including travel and subsistence expenses and dependency allowances), adjusted periodically to reflect increases in the cost of living, for the recipients of the awards as the Secretary may deem necessary. A National Research Service Award made to an individual for research or research training at a non-Federal public or nonprofit private institution shall also provide for payments to be made to the institution for the cost of support services (including the cost of faculty salaries, supplies, equipment, general research support, and related items) provided such individual by such institution. The amount of any such payments to any institution shall be determined by the Secretary and shall bear a direct relationship to the reasonable costs of the institution for establishing and maintaining the quality of its biomedical and behavioral research and training programs.

"(c)(1) Each individual who is awarded a National Research Service Award (other than an individual who is a pre-baccalaureate student who is awarded a National Research Service Award for research training) shall, in accordance with paragraph (3), engage in health research or teaching or any combination thereof which is in accordance with the usual patterns of academic employment, for a period computed in accordance with paragraph (2).

"(2) For each month for which an individual receives a National Research Service Award which is made for a period in excess of twelve months, such individual shall engage in one month of health research or teaching or any combination thereof which is in accordance with the usual patterns of academic employment.

"(3) The requirement of paragraph (1) shall be complied with by any individual to whom it applies within such reasonable period of time, after the completion of such individual's award, as the Secretary shall by regulation prescribe. The Secretary shall by regulation prescribe the type of research and teaching in which an individual may engage to comply with such requirement and such other requirements respecting research and teaching as the Secretary considers appropriate.

"(4)(A) If any individual to whom the requirement of paragraph (1) is applicable fails, within the period prescribed by paragraph (3), to comply with such requirements, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula—

$$A = \frac{\phi}{t}(t-s)$$

in which 'A' is the amount the United States is entitled to recover; 'ϕ' is the sum of the total amount paid under one or more National Research Service Awards to such individual; 't' is the total number of months in such individual's service obligation; and 's' is the number of months of such obligation served by him in accordance with paragraphs (1) and (2) of this subsection.

"(B) Any amount which the United States is entitled to recover under subparagraph (A) shall, within the three-year period beginning on the date the United States becomes entitled to recover such amount, be paid to the United States. Until any amount due the United States under subparagraph (A) on account of any National Research Service Award is paid, there shall accrue to the United States interest on such amount at a rate fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date the United States becomes entitled to such amount.

"(5)(A) Any obligation of any individual under paragraph (3) shall be canceled upon the death of such individual.

"(B) The Secretary shall by regulation provide for the waiver or suspension of any such obligation applicable to any individual whenever compliance by such individual is impossible or would involve substantial hardship to such individual or would be against equity and good conscience.

"(d) There are authorized to be appropriated to make payments under National Research Service Awards and under grants for such awards $191,000,000 for fiscal year 1984, $220,000,000 for fiscal year 1985, and $251,000,000 for fiscal year 1986. Of the sums appropriated under this subsection, not less than 15 per centum shall be made available for payments under National Research Service Awards provided by the Secretary under subsection (a)(1)(A) and not less than 50 per centum shall be made available for grants under subsection (a)(1)(B) for National Research Service Awards. In any fiscal year not more than 4 per centum of the amount obligated to be expended under this section may be obligated for National Research Service Awards for periods of three months or less.

"VISITING SCIENTIST AWARDS

"SEC. 480. (a) The Secretary may make awards (hereinafter in this section referred to as 'Visiting Scientist Awards') to outstanding scientists who agree to serve as visiting scientists at institutions of postsecondary education which have significant enrollments of disadvantaged students. Visiting Scientist Awards shall be made by the Secretary to enable the faculty and students of such institutions to draw upon the special talents of scientists from other institutions for the purpose of receiving guidance, advice, and instruction with regard to research, teaching, and curriculum development in the biomedical and behavioral sciences and such other aspects of these sciences as the Secretary shall deem appropriate.

"(b) The amount of each Visiting Scientist Award shall include such sum as shall be commensurate with the salary or remuneration which the individual receiving the award would have been entitled to receive from the institution with which the individual has, or had, a permanent or immediately prior affiliation. Eligibility for and terms of Visiting Scientist Awards shall be determined in accordance with regulations the Secretary shall prescribe.

"STUDIES RESPECTING BIOMEDICAL AND BEHAVIORAL RESEARCH PERSONNEL

"SEC. 481. (a) The Secretary shall, in accordance with subsection (b), arrange for the conduct of a continuing study to—

"(1) establish (A) the Nation's overall need for biomedical and behavioral research personnel, (B) the subject areas in which such personnel are needed and the number of such personnel needed in each such area, and (C) the kinds and extent of training which should be provided such personnel;

"(2) assess (A) current training programs available for the training of biomedical and behavioral research personnel which are conducted under this Act, at or through national research institutes under the National Institutes of Health and institutes under the Alcohol, Drug Abuse, and Mental Health Administration, and (B) other current training programs available for the training of such personnel;

"(3) identify the kinds of research positions available to and held by individuals completing such programs;

"(4) determine, to the extent feasible, whether the programs referred to in clause (B) of paragraph (2) would be adequate to meet the needs established under paragraph (1) if the programs referred to in clause (A) of paragraph (2) were terminated; and

"(5) determine what modifications in the programs referred to in paragraph (2) are required to meet the needs established under paragraph (1).

"(b)(1) The Secretary shall request the National Academy of Sciences to conduct the study required by subsection (a) under an arrangement under which the actual expenses incurred by such Academy in conducting such study will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with such Academy for the conduct of such study.

"(2) If the National Academy of Sciences is unwilling to conduct such study under such an arrangement, then the Secretary shall enter into a similar arrangement with other appropriate nonprofit private groups or associations under which such groups or associations will conduct such study and prepare and submit the reports thereon as provided in subsection (c).

"(3) The National Academy of Sciences or other group or association conducting the study required by subsection (a) shall conduct such study in consultation with the Director of NIH.

"(c) A report on the results of such study shall be submitted by the Secretary to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate at least once every two years.

"PART F—GENERAL PROVISIONS

"INSTITUTIONAL REVIEW BOARDS; ETHICS GUIDANCE PROGRAM

"SEC. 483. (a) The Secretary shall by regulation require that each entity which applies for a grant, contract, or cooperative agreement under this Act for any project or program which involves the conduct of biomedical or behavioral research involving human subjects submit in or with its application for such grant, contract, or cooperative agreement assurances satisfactory to the Secretary that it has established (in accordance with regulations which the Secretary shall prescribe) a board (to be known as an 'Institutional Review Board') to review biomedical and behavioral research involving human subjects conducted at or supported by such entity in order to protect the rights of the human subjects of such research.

"(b) The Secretary shall—

"(1) establish a program within the Department under which requests for clarification and guidance with respect to ethical issues raised in connection with biomedical or behavioral research involving human subjects are responded to promptly and appropriately, and

"(2) a process for the prompt and appropriate response to information provided the Director of NIH respecting incidences of violations of the rights of human subjects of research for which funds have been made available under this Act. The process shall include procedures for the receiving of reports of such information from recipients of funds under this Act and taking appropriate action with respect to such violations.

"PEER REVIEW

"SEC. 484. (a)(1) The Secretary, after consultation with the Director of NIH, and shall by regulation require appropriate technical and scientific peer review of—

"(A) applications made for grants and cooperative agreements under this Act for biomedical and behavioral research; and

"(B) biomedical and behavioral research and development contracts to be administered through the National Institutes of Health.

"(2) Regulations promulgated under paragraph (1) shall require that the review of grants, contracts, and cooperative agreements required by the regulations be conducted—

"(A) in a manner consistent with the system for scientific peer review applicable on the date of the enactment of the Health Research Act of 1983 to grants under this Act for biomedical and behavioral research; and

"(B) to the extent practical, by peer review groups performing such review on or before such date.

"(3) The members of any peer review group established under such regulations shall be individuals who by virtue of their training or experience are eminently qualified to perform the review functions of the group and not more than one-fourth of the members of any peer review group established under such regulations shall be officers or employees of the United States.

"(b) The Director of NIH shall establish procedures for periodic, technical, and scientific peer review of research at the National Institutes of Health. Such procedures shall require that—

"(1) the reviewing entity be provided a written description of the research to be reviewed; and

"(2) the reviewing entity provide the advisory council of the national research institute involved with such description and the results of the review by the entity.

"PROTECTION AGAINST SCIENTIFIC FRAUD

"SEC. 485. (a) The Secretary shall by regulation require that each entity which applies for a grant, contract, or cooperative agreement under this Act for any project or program which involves the conduct of biomedical or behavioral research submit in or with its application for such grant, contract, or cooperative agreement assurances satisfactory to the Secretary that it—

"(1) has established (in accordance with regulations which the Secretary shall prescribe) an administrative process to review reports of scientific fraud in connection with biomedical and behavioral research conducted at or sponsored by such entity; and

"(2) will report to the Secretary any investigation of alleged scientific fraud which appears substantial.

"(b) The Director of NIH shall establish a process for the prompt and appropriate response to information provided the Director of NIH respecting scientific fraud in connection with projects for which funds have been made available under this Act. The process shall include procedures for the receiving of reports of such information from recipients of funds under this Act and taking appropriate action with respect to such fraud.

"RESEARCH AND PUBLIC HEALTH EMERGENCIES

"SEC. 486. (a) If the Secretary determines, after consultation with the the Director of NIH, the Commissioner of the Food and Drug Administration, or the Director of the Centers for Disease Control, that a disease or disorder constitutes a public health emergency, the Secretary, acting through the Director of NIH—

"(1) shall expedite the review by advisory councils under section 408 and by peer review groups under section 484 of applications for grants for research on such disease or disorder or proposals for contracts for such research;

"(2) shall exercise the authority in section 3709 of the Revised Statutes respecting public exigencies to waive the advertising requirements of such section in the case of proposals for contracts for such research;

"(3) may provide administrative supplemental increases in existing grants and contracts to support new research relevant to such disease or disorder; and

"(4) shall disseminate, to health professionals and the public, information on the cause, prevention, and treatment of such disease or disorder which information has been developed in research assisted under this section.

The amount of an increase in a grant or contract provided under paragraph (3) may not exceed one-half the original amount of the grant or contract.

"(b) Not later than ninety days after the expiration of a fiscal year the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on actions taken under subsection (a) in such fiscal year.

"ANIMALS IN RESEARCH

"SEC. 487. (a) The Secretary, acting through the Director of NIH, shall establish guidelines for the following:

"(1) The proper care of animals to be used in biomedical and behavioral research.

"(2) The proper treatment of animals while being used in such research. Guidelines under this paragraph shall require—

"(A) the appropriate use of tranquilizers, analgesics, anesthetics, paralytics, and euthanasia for animals in such research; and

"(B) appropriate pre- and post-surgical veterinary medical and nursing care for animals in such research.

Such guidelines shall not be construed to prescribe methods of research.

"(3) The organization and operation of animal care committees in accordance with subsection (b).

"(b)(1) Guidelines of the Secretary under subsection (a)(3) shall require animal care committees at each entity which conducts biomedical and behavioral research with funds provided under this Act (including the National Institutes of Health and the national research institutes) to assure compliance with the guidelines established under subsection (a).

"(2) Each animal care committee shall be appointed by the chief executive officer of the entity for which the committee is established, shall be composed of not fewer than three members, and shall include at least one individual who has no association with such entity and at least one doctor of veterinary medicine.

"(3) Each animal care committee of a research entity shall—

"(A) review the care and treatment of animals in all animal study areas and facilities of the research entity at least semi-annually to evaluate compliance with applicable guidelines established under subsection (a) for appropriate animal care and treatment;

"(B) keep appropriate records of reviews conducted under subparagraph (A), and

"(C) for each review conducted under subparagraph (A), file with the Director of NIH (i) a certification that the review has been conducted, and (ii) reports of any violations of guidelines established under subsection (a) or assurances required by subsection (b) which were observed in such review and which have continued after notice by the committee to the research entity involved of the violations.

Reports filed under subparagraph (C) shall include any minority views filed by members of the committee.

"(c) The Director of NIH shall by regulation require each applicant for a grant or contract administered by the National Institutes of Health or any national research institute to include in its application or contract proposal, submitted after the expiration of the twelve-month period beginning on the date of the enactment of this section—

"(1) assurances satisfactory to the Director of NIH that—

"(A) the applicant meets the requirements of the guidelines established under paragraphs (1) and (2) of subsection (a) and has an animal care committee which meets the requirements of subsection (b); and

"(B) scientists, animal technicians, and other personnel involved with animal care, treatment, and use by the applicant have available to them instruction or training in the humane practice of animal maintenance and experimentation, and the concept, availability, and use of research or testing methods that minimize the use of animals or limit animal distress; and

"(2) a statement of the reasons for the use of animals in the research to be conducted with funds provided under such grant or contract.

Notwithstanding subsection (a)(2) of section 553 of title 5, United States Code, regulations under this subsection shall be promulgated in accordance with the notice and comment requirements of such section.

"(d) If the Director of NIH determines that—

"(1) the conditions of animal care, treatment, or use in an entity which is receiving a grant or contract under this title do not meet applicable guidelines established under subsection (a),

"(2) the entity has been notified by the Director of NIH of such determination and has been given a reasonable opportunity to take corrective action, and

"(3) no action has been taken by the entity to correct such conditions;

the Director of NIH shall suspend or revoke such grant or contract under such conditions as the Director determines appropriate.

"(e) No guideline or regulation promulgated under subsection (a) or (c) may require a research entity to disclose trade secrets or commercial or financial information which is privileged or confidential.

"USE OF APPROPRIATIONS UNDER THIS TITLE

"SEC. 488. Appropriations to carry out the purposes of this title shall be available for the acquisition of land or the erection of buildings only if so specified. Such appropriations, unless otherwise expressly provided, may be expended in the District of Columbia for personal services, stenographic recording and translating services; by contract if deemed necessary, without regard to section 3709 of the Revised Statutes; travel expenses (including the expenses of attendance at meetings when specifically authorized by the Secretary); rental, supplies and equipment, purchase and exchange of medical books, books of reference, directories, periodicals, newspapers, and press clippings; purchase, operation, and maintenance of passenger motor vehicles; printing and binding (in addition to that otherwise provided by law); and for all other necessary expenses in carrying out the provisions of this title.

"GIFTS

"SEC. 489. The Secretary may, in accordance with section 501, accept conditional gifts for the National Institutes of Health or a national research institute or for the acquisition of grounds or for the erection, equipment, or maintenance of facilities for the National Institutes of Health or a national research institute. Donations of $50,000 or over for the National Institutes of Health or a national research institute for carrying out the purposes of this title may be acknowledged by the establishment within the National Institutes of Health or institute of suitable memorials to the donors.

"CONSTRUCTION OF TITLE

"SEC. 490. This title shall not be construed as limiting (1) the functions or authority of the Secretary under section 301 or of any officer or agency of the United States, relating to the study, prevention, diagnosis, and treatment of any disease for which a separate national research institute is established under this title, or (2) the expenditure of any funds therefor.

"FETAL RESEARCH

"SEC. 491. (a) This title shall not be construed to restrict research or experimentation on a living fetus if the risk to the fetus imposed by the research or experimentation is minimal and the purpose of the research or experimentation is the development of important biomedical knowledge which cannot be obtained by other means.

"(b) No requirement respecting fetal research may be waived or modified unless an application is submitted to the Secretary for the waiver or modification with the approval of the Institutional Review Board with jurisdiction over the applicant. The Secretary may not approve an application for a waiver or modification unless the Secretary convenes an ethics advisory board to review the application with opportunity for public comment, receives from the board a recommendation for approval of the application, and determines that the risks to the fetus involved are so outweighed by the sum of the benefit to the fetus and the importance of the knowledge to be gained as to warrant the modification or waiver applied for and such benefits cannot be gained except through such modification or waiver. Any modification or waiver granted by the Secretary shall be published as a notice in the Federal Register.".

CONFORMING AMENDMENTS

SEC. 3. (a) The National Advisory Health Council established under section 217 is terminated.

(b) Section 217(a) is amended—

(1) in the first sentence—

(A) by striking out "National Advisory Health Council, the National Advisory Mental Health Council, the National Advisory Council on Alcohol Abuse and Alcoholism, and the National Advisory Dental Research Council" and inserting in lieu thereof "National Advisory Mental Health Council and the National Advisory Council on Alcohol Abuse and Alcoholism"; and

(B) by striking out "by the Surgeon General with the approval of the Secretary of Health, Education, and Welfare" and inserting in lieu thereof "by the Secretary";

(2) in the second sentence—

(A) by striking out "in the case of the National Advisory Health Council, are skilled in the sciences related to health, and";

(B) by striking out "the National Advisory Mental Health Council, the National Advisory Council on Alcohol Abuse and Alcoholism, the National Advisory Heart Council, and the National Advisory Dental Research Council" and inserting in lieu thereof "the National Advisory Mental Health Council and the National Advisory Council on Alcohol Abuse and Alcoholism"; and

(C) by striking out ", alcohol abuse and alcoholism, and dental diseases and conditions" and inserting in lieu thereof "and alcohol abuse and alcoholism"; and

(3) by striking out the third sentence.

(c) Subsection (b) of section 217 is repealed and subsections (c) through (e) and subsection (g) are redesignated as subsections (b) through (e), respectively.

(d) Section 222(c) is amended to read as follows:

"(c) Upon appointment of any such council or committee, the Secretary may delegate to such council or committee such advisory functions relating to grants-in-aid for research or training projects or programs, in the areas or fields with which such council or committee is concerned, as the Secretary determines to be appropriate.".

(e) Section 301(a) is amended—

(1) in paragraph (3), by striking out "as are recommended" through "for such fiscal year" and inserting in lieu thereof "as are recommended by the advisory council to the entity of the department supporting such projects or, in the case of mental health projects, by the National Advisory Mental Health Council; and make, upon recommendation of the advisory council to the entity of the department involved or the National Advisory Mental Health Council, grants-in-aid to public or nonprofit universities, hospitals, laboratories, and other institutions for the general support of their research"; and

(2) in paragraph (8), by striking out "recommendations of the National Advisory Health Council" through "such additional means" and inserting in lieu thereof "recommendations of the advisory councils to the entities of the department involved or, with respect to mental health, the National Advisory Mental Health Council, such additional means".

(f) Section 8(w) of the Orphan Drug Act (Public Law 97-414) is repealed.

AMENDMENTS RELATING TO THE NATIONAL LIBRARY OF MEDICINE

SEC. 4. (a) Part I of title III of the Public Health Service Act is transferred to title IV of such Act (as amended by section 2 of this Act), inserted at the end of such title, redesignated as part G, and amended as follows:

(1) Section 381 (42 U.S.C. 275) is amended—

(A) by inserting "(a)" before "In order";

(B) by striking out "there is hereby established in the Public Health Service" and inserting in lieu thereof "there is established as an agency of the National Institutes of Health";

(C) by striking out "381." and inserting in lieu thereof "485."; and

(D) by amending the section heading to read as follows:

"PURPOSE, ESTABLISHMENT, AND FUNCTION OF THE NATIONAL LIBRARY OF MEDICINE".

(2) Section 382 (42 U.S.C. 276) is amended—

(A) by striking out "subsection (c)" in subsection (a) and inserting in lieu thereof "subsection (d)";

(B) by striking out "section 383" in subsection (c) and inserting in lieu thereof "section 486";

(C) by striking out "SEC. 382. (a)" and inserting in lieu thereof "(b)";

(D) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(E) by striking out the section heading.

(3) Subsection (a) of section 388 (42 U.S.C. 280a-1(a)) is inserted just before section 383, redesignated as subsection (e), and amended by striking out "section 397" each place it occurs and inserting in lieu thereof "section 496".

(4) Sections 384 and 385 (42 U.S.C. 278, 279) are inserted after the subsection inserted by paragraph (3) and amended—

(A) in section 384 by striking out "SEC. 384." and inserting in lieu thereof "(f)";

(B) in section 384 by striking out the section heading of section 384;

(C) in section 384, by striking out "501" and inserting in lieu thereof "2101";

(D) in section 385, by striking out "SEC. 385." and inserting in lieu thereof "(g)";

(E) by striking out the section heading of section 385; and

(F) by striking out "section 383" in section 385 and inserting in lieu thereof "section 486".

(5) Section 383 (42 U.S.C. 277) is redesignated as section 486 and is amended in subsection (a) by striking out "in the Public Health Service".

(6) Section 386 (42 U.S.C. 280) is redesignated as section 487.

(7) Section 387 (42 U.S.C. 280a) is repealed.

(8) Section 388 (42 U.S.C. 280a-1) is amended by striking out subsection (b), "SEC. 388.", and the section heading.

(b) Part J of title III of the Public Health Service Act is transferred to title IV of such Act (as amended by section 2 of this Act and subsection (a) of this section), inserted after the part inserted by subsection (a), redesignated as part H, and amended as follows:

(1) Section 390(c) (42 U.S.C. 280b(c)) is amended by striking out "and" after "1981," and by inserting before the period a comma and the following: "$10,000,000 for the fiscal year ending September 30, 1984, $11,000,000 for the fiscal year ending September 30, 1985, and $12,000,000 for the fiscal year ending September 30, 1986".

(2) Section 390(c) (42 U.S.C. 280b(c)) is amended by striking out "sections 393, 394, 395, 396, and 397" and inserting in lieu thereof "sections 492, 493, 494, 495, and 496".

(3) Section 391 (42 U.S.C. 280b-1) is amended by striking out "383(a)" and inserting in lieu thereof "486(a)".

(4) Section 392 (42 U.S.C. 280b-2) is amended (A) by striking out "section 383(a) shall, in addition to its functions prescribed under section 383" in subsection (a) and inserting in lieu thereof "section 486 shall, in addition to its functions prescribed under such section", and (B) by striking out "section 383(d)" in subsection (d) and inserting in lieu thereof "section 486(d)", and (C) by striking out "part I" in subsection (1) and inserting in lieu thereof "part G".

(5) Section 393(a) (42 U.S.C. 280b-4(a)) is amended by striking out "section 390(b)(1)" and inserting in lieu thereof "section 489(b)(1)".

(6) Section 394(a) (42 U.S.C. 280b-5(a)) is amended by striking out "section 390(b)(2)" and inserting in lieu thereof "section 489(b)(2)".

(7) Section 394(b) is amended by striking out "section 390(b)(3)" and inserting in lieu thereof "section 489(b)(3)".

(8) Section 395(a) (42 U.S.C. 280b-7(a)) is amended by striking out "section 390(b)(4)" and inserting in lieu thereof "section 489(b)(4)".

(9) Section 396(a) (42 U.S.C. 280b-8(a)) is amended by striking out "section 390(b)(5)" and inserting in lieu thereof "section 489(b)(5)".

(10) Section 397(a) (42 U.S.C. 280b-9(a)) is amended by striking out "section 390(b)(6)" and inserting in lieu thereof "section 489(b)(6)".

(11) Section 399(b) (42 U.S.C. 280b-11(b)) is amended by striking out "of Health, Education, and Welfare".

(12) Sections 390 through 399 are redesignated as sections 489 through 498, respectively.

STUDY OF ANIMALS IN RESEARCH

SEC. 5. (a)(1) The Secretary of Health and Human Services, through the Director of the National Institutes of Health, shall in accordance with this section arrange for the conduct of a study concerning the use of live animals in biomedical and behavioral research. The Secretary shall request the National Academy of Sciences to conduct the study under an arrangement under which the actual expenses incurred by the Academy in conducting such study will be paid by the Secretary and the Academy will prepare the report required by subsection (c). If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with the Academy for the conduct of the study.

(2) If the National Academy of Sciences is unwilling to conduct the study required by paragraph (1) under the type of arrangement described in such paragraph, the Secretary shall enter into a similar arrangement with one or more appropriate nonprofit private entities.

(b) The study required by subsection (a) shall—

(1) assess the status of the use of live animals in biomedical and behavioral research conducted by entities receiving Federal financial assistance through the National Institutes of Health or any of its agencies to support such research and, if possible, by entities which do not receive Federal financial assistance, including—

(A) a determination of the type of animals used in such research during each of the five years in the five-year period preceding the date which is eighteen months after the date of enactment of this section;

(B) an estimate of the total number of live animals used in such research during each such year;

(C) a survey of the purposes for which live animals are used in such research;

(D) an analysis of whether the use of such animals in such research has decreased or increased over such five-year period; and

(E) an exploration of methods which can be used in the conduct of such research which are alternatives to the use of live animals;

(2) assess the impact on biomedical and behavioral research of the establishment of a requirement that, as a condition of receiving Federal financial assistance to support such research, entities conducting such research be accredited in accordance with standards promulgated by organizations which accredit such entities;

(3) estimate—

(A) the amounts that would be expended by entities which conduct biomedical and behavioral research with Federal financial assistance to equip and modernize their research facilities in order to meet the standards referred to in paragraph (2); and

(B) the amounts that would be expended by entities which have not previously conducted such research with Federal financial assistance to establish, modernize, or equip facilities in order to meet such standards;

(4) review Federal and State laws and regulations governing the use of live animals in biomedical and behavioral research conducted by research institutions, medical facilities, academic institutions, and training programs;

(5) evaluate the extent to which accrediting laboratories and research facilities protect animals against inhumane treatment;

(6) evaluate the actions taken by the National Institutes of Health to support research to develop research and testing methodologies which will decrease the number of live animals used in biomedical and behavioral research;

(7) evaluate the actions taken by the National Institutes of Health to improve oversight of the use of live animals in biomedical and behavioral research by entities which receive Federal financial assistance through the National Institutes of Health or any of its agencies to support such research; and

(8) evaluate the activities undertaken by the National Institutes of Health to insure the humane care and treatment, and appropriate use, of live animals in biomedical and behavioral research conducted or supported by the National Institutes of Health or any of its agencies.

(c) Within eighteen months after the date of enactment of this section, the Secretary shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, and make available to the public, a report—

(1) describing the study conducted under this section;

(2) containing a statement of the data obtained under such study; and

(3) specifying such recommendations for legislation and administrative action with respect to the use of live animals in biomedical and behavioral research as the Secretary considers appropriate.

INTERAGENCY COMMITTEE ON SPINAL CORD INJURY

SEC. 6. (a) The Secretary shall establish in the National Institute of Neurological and Communicative Disorders and Stroke an Interagency Committee on Spinal Cord Injury to plan, develop, coordinate, and implement comprehensive Federal initiatives in research on spinal cord regeneration.

(b)(1) The Committee shall consist of individuals from the—

(A) National Institute on Neurological and Communicative Disorders and Stroke,

(B) Department of Defense,

(C) Department of Education,

(D) Veterans' Administration,

(E) Office of the Science Advisor to the President, and

(F) National Science Foundation,

selected by the heads of such entities.

(2) The Committee shall meet at least four times a year. The Secretary shall desig-

nate the Chairman from the representatives of the Committee selected under paragraph (1). The Secretary shall make such designations so that a representative from each agency referred to in paragraph (1) will serve as Chairman of the Committee. The Chairman shall serve for a term of one year.

(c) The Committee shall prepare an annual report for Congress on its activities. The report shall include a description of research projects on spinal cord regeneration conducted or supported by Federal agencies in the fiscal year for which the report is made, the nature and purpose of each such project, the amounts expended for each such project, and an identification of the entity which conducted the research under each such project. Such report shall be submitted not later than the one hundred and twentieth day after the end of each fiscal year. The Committee shall terminate September 30, 1986.

STUDY OF PERSONNEL FOR HEALTH NEEDS OF THE ELDERLY

SEC. 7. (a) The Secretary shall conduct a study on the adequacy and availability of personnel to meet the current and projected health needs of elderly Americans through the year 2020.

(b) The Secretary shall report the results of the study to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate by March 1, 1985. The report on the study shall contain recommendations on—

(1) the number of primary care physicians and other health personnel needed to provide adequate care for the elderly,

(2) the training needs of physicians (including specialists) and other health personnel to provide care responsive to the particular needs of the elderly,

(3) necessary changes in medicare and other third party reimbursement necessary to support training of primary care and other physicians to meet the needs of the elderly, and

(4) necessary program changes in third party reimbursement programs (including changes in medicare programs) to support training of other health personnel in the care of the elderly.

INTERAGENCY COMMITTEE ON LEARNING DISABILITIES

SEC. 8. (a) Not later than ninety days after the date of the enactment of this Act, the Director of the National Institutes of Health shall establish an Interagency Committee on Learning Disabilities to review and assess Federal research priorities, activities, and findings regarding learning disabilities (including central nervous system dysfunction in children).

(b) The Committee shall be composed of such representatives as the Director may designate, but shall include representatives from the National Institute of Neurological and Communicative Disorders and Stroke, the National Institute of Child Health and Human Development, the National Institute of Allergy and Infectious Diseases, the National Institute of Environmental Health Sciences, and the Division of Research Resources of the National Institutes of Health.

(c) Not later than eighteen months after the date of the enactment of this Act, the Committee shall report to the Congress on its activities under subsection (a) and shall include in the report—

(1) the number of persons affected by learning disabilities and the demographic data which describes such persons;

(2) a description of the current research findings on the cause, diagnosis, treatment, and prevention of learning disabilities; and

(3) recommendations for legislation and administrative actions—

(A) to increase the effectiveness of research on learning disabilities and to improve the dissemination of the findings of such research, and

(B) respecting specific priorities for research in the cause, diagnosis, treatment, and prevention of learning disabilities.

(d) The Committee shall terminate on the ninetieth day following the date of the submission of the report under subsection (c).

DIET THERAPY FOR KIDNEY FAILURE

SEC. 9. The Director of the National Institute of Diabetes and Digestive and Kidney Diseases shall conduct research into the role of diet therapy in the treatment of end stage renal disease. The Director shall report to Congress the results of such research not later than January 1, 1987.

NATIONAL COMMISSION ON ORPHAN DISEASES

SEC. 10. (a) There is established the National Commission on Orphan Diseases.

(b) The Commission shall assess the activities of the National Institutes of Health, the Alcohol, Drug Abuse, and Mental Health Administration, and other public agencies, and of private entities in connection with—

(1) basic research conducted on rare diseases;

(2) the use in research on rare diseases of knowledge developed in other research;

(3) applied and clinical research on the prevention, diagnosis, and treatment of rare diseases; and

(4) the dissemination of knowledge developed in research on rare diseases and other diseases to the public, health care professionals, researchers, and drug and medical device manufacturers which can be used in the prevention, diagnosis, and treatment of rare diseases.

(c) In assessing the activities of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration in connection with research on rare diseases, the Commission shall review—

(1) the appropriateness of the priorities currently placed on research on rare diseases;

(2) the relative effectiveness of grants and contracts when used to fund research on rare diseases;

(3) the appropriateness of specific requirements applicable to applications for funds for research on rare diseases taking into consideration the reasonable capacity of applicants to meet such requirements;

(4) the adequacy of the science base for such research, including the adequacy of the research facilities and research resources used in such research and the appropriateness of the scientific training of the personnel engaged in such research;

(5) the effectiveness of activities undertaken to encourage such research;

(6) the organization of the peer review process applicable to applications for funds for such research to determine if the organization of the peer review process could be revised to improve the effectiveness of the review provided to proposals for research on rare diseases;

(7) the effectiveness of the coordination between the national research institutes of the National Institutes of Health, the institutes of the Alcohol, Drug Abuse, and Mental Health Administration, and private entities in supporting such research; and

(8) the effectiveness of activities undertaken to assure that knowledge developed in research on non-rare diseases is, when appropriate, used in research on rare diseases.

(d) The Commission shall be composed of twenty members appointed by the Secretary of Health and Human Services as follows:

(1) Ten members shall be appointed from individuals who are not officers or employees of the Government and who by virtue of their training or experience in research on rare diseases or in the treatment of rare diseases are qualified to serve on the Commission.

(2) Five members shall be appointed from individuals who are not officers or employees of the Government and who have a rare disease or are employed to represent or are members of an organization concerned about rare disease.

(3) Five nonvoting members shall be appointed from—

(A) directors of national research institutes of the National Institutes of Health; or

(B) directors of institutes of the Alcohol, Drug Abuse, and Mental Health Administration,

which the Secretary determines are involved with rare diseases.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(e) If any member of the Commission who was appointed to the Commission as a director of a national research institute or an institute of the Alcohol, Drug Abuse, and Mental Health Administration leaves that office, or if any member of the Commission who was appointed from persons who are not officers or employees of the Government becomes an officer or employee of the Government, he may continue as a member of the Commission for not longer than the ninety-day period beginning on the date he leaves that office or becomes such an officer or employee, as the case may be.

(f) Members shall be appointed for the life of the Commission.

(g)(1) Except as provided in paragraph (2), members of the Commission shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including travel-time) during which they are engaged in the actual performance of duties vested in the Commission.

(2) Members of the Commission who are full-time officers or employees of the Government shall receive no additional pay by reason of their service on the Commission.

(h) The Chairman of the Commission shall be designated by the members of the Commission.

(i) Subject to such rules as may be prescribed by the Commission, the Commission may appoint and fix the pay of such personnel as it determines are necessary to enable the Commission to carry out its functions. Personnel shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(j) Subject to such rules as may be prescribed by the Commission, the Commission may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for in-

dividuals not to exceed the daily equivalent of the basic pay payable for grade GS-15 of the General Schedule.

(k) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.

(l) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(m) The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(n) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman, the head of such department or agency shall furnish such information to the Commission.

(o) The Commission shall transmit to the Secretary and to each House of the Congress a report not later than September 30, 1985, on the activities of the Commission. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for—

(1) such legislation or administrative actions, as it considers appropriate, respecting changes in the organization and operation of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration; and

(2) a long range plan for the use of public and private resources to improve research into rare diseases and to assist in the prevention, diagnosis, and treatment of rare diseases.

(p) The Commission shall cease to exist on the ninetieth day following the date of the submittal of its report under subsection (o).

(q) The Director of the National Institutes of Health shall make available $1,000,000 to the Commission from appropriations for fiscal year 1984 for the National Institutes of Health.

PRESIDENT'S COMMISSION ON THE HUMAN APPLICATION OF GENETIC ENGINEERING

SEC. 11. (a) There is established the President's Commission on the Human Applications of Genetic Engineering (hereinafter in this section referred to as the "Commission").

(b)(1) The Commission shall conduct, and regularly update, comprehensive reviews of developments in genetic engineering that have implications for human genetic engineering, including activities in recombinant DNA technology, and shall examine the medical, legal, ethical, and social issues presented by the human application of such developments.

(2) The Commission shall undertake such other studies as are consisent with the purposes of the Commission on its own initiative or upon the request of—

(A) the President,

(B) the head of a Federal agency, or

(C) a committee of the Congress.

(c) The Commission shall be composed of fifteen members appointed by the President as follows:

(1) Six members shall be appointed from scientists and physicians who are eminent in the field of genetics, including molecular, microbial, and human genetics, and health care, including public health. Of such members—

(A) there shall be appointed from individuals who have been recommended for appointment by the President of the National Academy of Sciences, and

(B) there shall be appointed from individuals who are recommended for appointment by the Director of the National Institutes of Health.

(2) Six members shall be appointed from individuals who are not scientists or physicians and who as a group have expertise in the fields of law, theology, ethics, and the social behavioral sciences.

Three members shall be appointed from individuals who are not scientists or physicians and who are members of the general public.

Except for individuals appointed under paragraph (1)(B), no individual who is a full-time officer or employee of the Federal Government may be appointed to the Commission. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d)(1) Except as provided in paragraphs (2) and (3), members shall be appointed for terms of four years.

(2) Of the members first appointed—

(A) five members shall be appointed for a term of four years;

(B) five members shall be appointed for a term of three years; and

(C) five members shall be appointed for a term of two years;

as designated by the President at the time of appointment.

(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(e)(1) Except as provided in paragraph (2), members of the Commission shall each be paid at a rate equal to the rate of basic pay payable for grade GS-18 of the General Schedule.

(2) Members of the Commission who are full-time officers or employees of the Federal Government shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(f)(1) Eight members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(2) The Chairman of the Commission shall be appointed by the President, by and with the advice and consent of the Senate, from individuals appointed under subsection (c)(2). The Vice-Chairman of the Commission shall be appointed by the President, by and with the advice and consent of the Senate, from individuals appointed under subsection (c)(1)(A).

(3) The Commission shall meet at the call of the Chairman or a majority of its members.

(h)(1) Subject to such rules as may be prescribed by the Commission, the Commission may appoint and fix the pay of such personnel as it considers appropriate.

(2) The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(3) Subject to such rules as may be prescribed by the Commission, the Commission may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the annual rate of basic pay payable for GS-15 of the General Schedule.

(4) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.

(i) The Secretary of Health and Human Services, the Director of the Office of Science and Technology Policy, the Director of the National Science Foundation, and the Director of the National Endowment for the Humanities shall each designate an individual to provide liaison with the Commission.

(j)(1) The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, administer oaths, take such testimony, and receive such evidence under subpena or otherwise, as the Commission considers appropriate. Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(2) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) The Commission may accept, use, and dispose of gifts or donations of services or property.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(k)(1) Upon the completion of each investigation or study undertaken by the Commission, the Commission shall report its findings and recommendations (including recommendations for legislation or administrative action) to the President, the Congress, and each Federal agency to which the recommendation applies.

(2) Not later than December 15 of each year, the Commission shall transmit to the President and to each House of the Congress an annual report of its activities under section 2 which shall include a list of all recommendations made by the Commission under subsection (a) during the year for which the report is made.

(l) There is authorized to be appropriated for the Commission $1,500,000 for fiscal year 1984, $1,500,000 for fiscal year 1985, and $1,500,000 for fiscal year 1986.

(m) This section is repealed effective March 30, 1987.

REVIEW OF DISEASE RESEARCH PROGRAMS OF THE NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

SEC. 12. The Secretary of Health and Human Services shall conduct an administrative review of the disease research programs of the National Institute of Diabetes and Digestive and Kidney Diseases to determine if any of such programs could be more effectively and efficiently managed by other national research institutes. The Secretary shall complete such review within the sixty-

day period beginning on the date of the enactment of this section.

EFFECTIVE DATE

SEC. 13. This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act. The authority to enter into contracts under section 5 and to make payments under sections 10 and 11 shall be effective for any fiscal year only to the extent that appropriations are generally available for that purpose.

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. HANSEN of Utah. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. HANSEN of Utah. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, if the gentleman has reserved the right to object, I would want to make a comment in connection with his reservation.

I wish to assure the gentleman that the amendment offered by this gentleman from Michigan represents the provisions of H.R. 2350, the Health Research Extension Act, which passed the House by voice vote last year.

The matter in which we are now engaged has been cleared with my colleagues on the minority side, particularly the gentleman from North Carlina (Mr. BROYHILL) who is the senior Republican member.

Mr. HANSEN of Utah. May I ask, is it the gentleman's intention to request a conference with the other body on this matter upon adoption of the pending amendment?

Mr. DINGELL. If the gentleman will yield, that is correct.

Mr. HANSEN of Utah. Mr. Speaker, I thank the gentleman for his explanation and I withdraw my reservation of objection and urge support of the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DINGELL).

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act to amend the Public Health Service Act to revise and extend the authorities under that act relating to the National Institutes of Health and National Research Institutes, and for other purposes."

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. DINGELL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DINGELL. Mr. Speaker, I assume we have completed the business of getting this matter to conference?

The SPEAKER pro tempore. The gentleman has not asked for a conference.

APPOINTMENT OF CONFEREES ON S. 540, HEALTH RESEARCH EXTENSION ACT OF 1983

Mr. DINGELL. Mr. Speaker, pursuant to clause 1 of rule XX and by direction of the Committee on Energy and Commerce, I move to take from the Speaker's table the Senate bill S. 540, with the House amendments thereto, insist on the House amendments, and request a conference with the Senate thereon.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL).

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. DINGELL, WAXMAN, SCHEUER, BROYHILL, and MADIGAN.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, June 6, 1984.

COMMERCIAL SPACE LAUNCH ACT

Mr. VOLKMER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3942) to provide for commercialization of expendable launch vehicles and associated services, as amended.

The Clerk read as follows:

H.R. 3942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Commercial Space Launch Act".

FINDINGS

SEC. 2. The Congress finds and declares that—

(1) the peaceful uses of outer space continue to be of great value and to offer benefits to all mankind;

(2) private applications of space technology have achieved a significant level of commercial and economic activity, and offer the potential for growth in the future, particularly in the United States;

(3) new and innovative equipment and services are being sought, created, and offered by entrepreneurs in telecommunications, information services, and remote sensing technology;

(4) the private sector in the United States has the capability of developing and providing private satellite launching and associated services that would complement the launching and associated services now available from the United States Government;

(5) the development of commercial launch vehicles and associated services would enable the United States to retain its competitive position internationally, thereby contributing to the national interest and economic well-being of the United States;

(6) provision of launch services by the private sector is consistent with the national security and foreign policy interests of the United States and would be facilitated by stable, minimal, and appropriate regulatory guidelines that are fairly and expeditiously applied; and

(7) the United States should encourage private sector launches and associated services and, only to the extent necessary, regulate such launches and services in order to ensure compliance with international obligations of the United States and to provide for the national security, foreign policy, and public safety interests of the United States.

PURPOSES

SEC. 3. It is therefore the purpose of this Act—

(1) to promote economic growth and entrepreneurial activity through utilization of the space environment for peaceful purposes;

(2) to encourage the United States private sector to provide launch vehicles and associated launch services by simplifying and expediting the issuance of commercial launch licenses and by facilitating and encouraging the utilization of Government-developed space technology; and

(3) to designate an executive department to oversee and coordinate the conduct of commercial launch operations, to issue commercial launch licenses authorizing such activities, and to ensure that public safety, foreign policy, and national security interests of the United States are met.

DEFINITIONS

SEC. 4. For purposes of this Act—

(1) "agency" means an executive agency as defined by section 105 of title 5, United States Code;

(2) "launch" means to place, or attempt to place, a launch vehicle and payload, if any, in a suborbital trajectory, in Earth orbit in outer space, or otherwise in outer space;

(3) "launch site" means the location from which a launch takes place, as defined in any license issued by the Secretary under section 7 of this Act, and includes all facili-

ties located thereon which are necessary to conduct a launch;

(4) "launch vehicle" means any vehicle constructed for the purpose of operating in, or placing a payload in, outer space, and any sounding rocket;

(5) "payload" means an object which a person undertakes to place in outer space by means of a launch vehicle, and includes subcomponents of the launch vehicle specifically designed or adapted for that object;

(6) "launch property" means tooling, propellants, launch vehicles and components thereof, and other physical items constructed for or used in the manufacture, launch preparation, or launch of a launch vehicle;

(7) "person" means any individual and any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of any State or any nation;

(8) "Secretary" means the Secretary of Transportation;

(9) "State", and "United States" when used in a geographical sense, mean the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the United States, Virgin Islands, Guam, and any other commonwealth, territory, or possession of the United States; and

(10) "United States citizen" means—

(A) any individual who is a citizen of the United States;

(B) any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of the United States or any State;

(C) any corporation, partnership, joint venture, association, or other entity (whether organized or existing under the laws of a State or a foreign nation) if the controlling interest in such entity is held by an individual or entity described in subparagraph (A) or (B).

GENERAL RESPONSIBILITIES OF THE SECRETARY AND OTHER AGENCIES

SEC. 5. (a) The Secretary shall be responsible for carrying out this Act, and in doing so shall—

(1) encourage, facilitate, and promote commercial space launches by the private sector; and

(2) consult with other agencies to provide consistent application of licensing requirements under this Act and to ensure fair and equitable treatment for all license applicants.

(b) To the extent permitted by law, Federal agencies shall assist the Secretary as necessary in carrying out the provisions of this Act.

REQUIREMENT OF LICENSE FOR PRIVATE SPACE LAUNCH OPERATIONS

SEC. 6. (a) No person shall launch a launch vehicle or operate a launch site within the United States and no United States citizen shall launch a launch vehicle or operate a launch site outside the United States unless authorized to do so under a license issued under this Act.

(b) No United States citizen or other person who holds a license issued under this Act may launch a payload unless that payload complies with all requirements of Federal law. The agency having primary authority under any such Federal law shall determine such compliance and shall certify such determination to the Secretary. The Secretary may take such action under this Act as the Secretary deems necessary to prevent the launch of a payload by a holder of a license issued under this Act if the Secretary determines, after consultation with other appropriate agencies, that the launch of such payload would jeopardize safety of life and property or the national security and foreign policy interests of the United States.

(c) Except for a license issued under this Act (and any approval, waiver, or exemption required as a condition of such license) and licenses issued under the Federal Communications Act of 1934, as amended, no license, approval, waiver, or exemption need be obtained by a person from any Federal agency for the launching of a launch vehicle or the operation of a launch site.

AUTHORITY TO ISSUE AND TRANSFER LICENSES

SEC. 7. The Secretary is authorized to issue or transfer a license for launching one or more launch vehicles or for operating one or more launch sites, or both, to an applicant who meets the requirements of this Act and the regulations issued by the Secretary under this Act. Any license issued under this section shall be in effect for such period of time as the Secretary may specify, in accordance with the procedures specified under section 13 of this Act.

LICENSING REQUIREMENTS

SEC. 8. (a) The Secretary shall prescribe by regulation requirements for the issuance or transfer of a license under section 7 of this Act.

(b) In prescribing licensing requirements under subsection (a) of this section, the Secretary shall consult with appropriate agencies to ensure that such requirements are consistent with existing law and treaties only to the extent the Secretary deems necessary to ensure that private launch operations satisfy national security, public safety, and foreign policy concerns of the United States. The Secretary may prescribe any additional requirements that are necessary to ensure that private launch operations satisfy national security, public safety, and foreign policy concerns of the United States.

(c) After consultation with appropriate agencies, the Secretary may, in individual cases, waive the application of any requirement prescribed under subsection (a) with respect to a license if the Secretary determines that such waiver is in the public interest and will not jeopardize safety of life or property or the national security and foreign policy interests of the United States.

LICENSE APPLICATION AND APPROVAL

SEC. 9. (a) Any person may apply to the Secretary for issuance or transfer of a license under this Act, in such form and manner as the Secretary may prescribe. The Secretary shall establish procedures and timetables to expedite review of applications under this section and to reduce regulatory burdens for applicants.

(b) The Secretary shall issue or transfer a license to an applicant if the Secretary determines in writing, after consultation with appropriate agencies, that the applicant complies and will continue to comply with the requirements of this Act and the regulations under this Act. The Secretary shall include in such license such conditions as may be necessary to ensure compliance with this Act and the regulations issued under this Act. The Secretary shall make a determination on any application not later than 120 days after receipt of such application. If the Secretary has not made a determination within such 120-day period, the Secretary shall inform the applicant of any pending issues and of actions required to resolve such issues.

(c) Neither the Secretary nor any other officer or employee of the United States may disclose any data or information under this Act which qualifies for exemption under section 552(b)(4) of title 5, United States Code, or is designated as confidential by the person or agency furnishing such data or information, unless the Secretary determines that the withholding thereof is contrary to the public or national interest.

SUSPENSION, REVOCATION, AND MODIFICATION OF LICENSES

SEC. 10. (a) The Secretary may suspend or revoke any license issued under this Act if the Secretary finds and notifies the licensee in writing, after consultation with appropriate agencies, that the licensee has substantially failed to comply with any provision of this Act, the license, or any regulation issued under this Act, or that the suspension or revocation is necessary upon the basis of any foreign policy or national security concern of the United States.

(b) Upon application by the licensee or upon his or her own initiative, the Secretary may modify a license issued under this Act, if the Secretary finds and notifies the licensee in writing that the modification will comply with the requirements of this Act and the regulations issued under this Act.

(c) An order suspending, revoking, or modifying a license under this section shall take effect 30 days after it is issued unless the licensee seeks review under section 12(a)(2) within such 30-day period.

EMERGENCY ORDERS

SEC. 11. (a) The Secretary is authorized to immediately terminate, prohibit, or suspend any operation licensed by the Secretary if the Secretary, after consultation with the Secretary of Defense and the Secretary of State, as appropriate, determines that such operation is detrimental to safety of life and property or to the national security or foreign policy interests of the United States.

(b) An order terminating, prohibiting, or suspending any operation licensed by the Secretary under this section shall take effect immediately and shall continue in effect during any review of such order under section 12.

ADMINISTRATIVE AND JUDICIAL REVIEW

SEC. 12. (a)(1) An applicant for a license and a proposed transferee of a license under this Act shall be entitled to a determination on the record after an opportunity for a hearing in accordance with section 554 of title 5, United States Code, of any decision of the Secretary under section 9(b) to issue or transfer a license with conditions or to deny the issuance or transfer of such license.

(2) A licensee under this Act shall be entitled to a determination on the record after an opportunity for a hearing in accordance with section 554 of title 5, United States Code, of any decision of the Secretary under section 10 to suspend, revoke, or modify a license.

(3) A licensee under this Act shall be entitled to a determination on the record after an opportunity for a hearing in accordance with section 554 of title 5, United States Code, of any decision of the Secretary under section 11 to terminate, prohibit, or suspend any operation licensed by the Secretary.

(b) Any final action of the Secretary under this section to issue, transfer, deny the issuance or transfer of, suspend, revoke, or modify a license or to terminate, prohibit, or suspend any operation licensed by the Secretary shall be subject to judicial review as provided in chapter 7 of title 5, United States Code.

REGULATIONS

SEC. 13. The Secretary is authorized to issue such regulations, after notice and comment in accordance with section 553 of title 5, United States Code, as may be necessary to carry out this Act.

MONITORING OF ACTIVITIES OF LICENSEES

SEC. 14. Each license issued or transferred under this Act shall require the licensee—

(1) to allow the Secretary to place Federal officers or employees as observers at any launch site used by the licensee and at any production facility or assembly site used by a contractor of the licensee in the production or assembly of a launch vehicle or its payload, in order to monitor the activities of the licensee or contractor at such time and to such extent as the Secretary deems reasonable and necessary to determine compliance with the license; and

(2) to cooperate with such observers in the performance of monitoring functions.

USE OF GOVERNMENT PROPERTY

SEC. 15. (a) The Secretary shall take such actions as may be necessary to facilitate and encourage the acquisition by lease, sale, or otherwise, by the private sector of launch property or services of the United States which is excess or is otherwise not for the time needed for public use.

(b) Notwithstanding any other provisions of law, the Secretary may, after consultation with other affected agencies of the United States, establish and collect from any person a reimbursement for the lease, sale, or other use of launch property, launch services, launch vehicles and components thereof, and launch support equipment of the United States. The amount of any reimbursement, in the case of temporary use, shall be established in an amount equal to the direct costs, including any specific wear and tear or damage to the property or facilities, and salaries of United States civilian and contractor personnel incurred by the United States as a result of such use. The amount of any such proceeds in the case of sales shall be fair market value or value of benefit to the recipient, whichever is greater. The amount of any such reimbursement or proceeds of sales shall be desposited in the general fund of the Treasury, except that payments for utilities or services furnished by any agency to a buyer or lessee under this section shall be covered into the Treasury to the credit of the appropriation from which the cost of furnishing them was paid.

(c) The Secretary may, after consultation with the other affected agencies of the United States, establish requirements for liability insurance, hold harmless agreements, proof of financial responsibility, and such other assurances as may be needed to protect the United States, its agencies and personnel, from liability or loss or injury as a result of commercial space launch activities involving Government facilities or personnel.

LIABILITY INSURANCE

SEC. 16. Each person who launches a launch vehicle or operates a launch site under a license issued under this Act shall have in effect liability insurance in an amount prescribed by the Secretary which is sufficient at a minimum to satisfy international obligations of the United States.

ENFORCEMENT AUTHORITY

SEC. 17. (a) The Secretary shall be responsible for the administration and enforcement of the provisions of this Act. The Secretary is authorized to delegate the exercise of any enforcement authority under this Act to any officer or employee of the Department of Transportation or of any other agency with the approval of the head of such agency.

(b) In carrying out this section, the Secretary may—

(1) make investigations and inquiries, and administer to or take from any person an oath, affirmation, or affidavit, concerning any matter relating to enforcement of this Act; and

(2) with or without a warrant or other process—

(A) enter at any reasonable time any launch site or production facility or assembly site of a launch vehicle and its payload, if any, for the purpose of conducting any inspection of, and inspect, any object which is subject to the provisions of this Act and any records or reports required by the Secretary to be made or kept under this Act; and

(B) seize any such object, record, or report where it reasonably appears that such object, record, or report was used in violation of this Act.

PROHIBITED ACTS

SEC. 18. It is unlawful for any person to violate any requirement of this Act, a regulation issued under this Act, or any term, condition, or restriction of any license issued by the Secretary under this Act.

CIVIL PENALTIES

SEC. 19. (a) Any person who is found by the Secretary, after notice and opportunity to be heard on the record in accordance with section 554 of title 5, United States Code, to have committed any act prohibited by section 18 shall be liable to the United States for a civil penalty of not more than $100,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of such civil penalty shall be assessed by the Secretary by written notice. The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

(b) If any person fails to pay a civil penalty assessed against such person after the penalty has become final, or in any case in which such person appeals an order of the Secretary after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall recover the civil penalty assessed in any appropriate district court of the United States.

(c) For the purposes of conducting any hearing under this section, the Secretary may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, documents, and other records, and may administer oaths, and may seek enforcement of such subpenas in the appropriate district court of the United States.

AUTHORIZED APPROPRIATIONS

SEC. 20. There are authorized to be appropriated to the Secretary $4,000,000 for fiscal year 1985 and such sums as may be necessary to carry out the provisions of this Act for fiscal years 1986, 1987, 1988, and 1989.

EFFECTIVE DATE

SEC. 21. (a) Except for the authority to issue regulations, this Act shall take effect one hundred and eighty days after the date of enactment of this Act.

(b) Regulations to implement this Act shall be promulgated not later than 180 days after the date of enactment of this Act.

RELATIONSHIP TO STATE LAW

SEC. 22. The authority of States to regulate space launch activities within their jurisdictions, or that affect their jurisdictions, is unaffected by this Act, but the Secretary is authorized, and shall make every effort, to consult with the States to simplify and speed the overall process of approval of space launch activities.

RELATIONSHIP TO OTHER LAW

SEC. 23. (a) A launch vehicle shall not, by reason of the launching of such vehicle, be considered an export for purposes of any law controlling exports.

(b) Nothing in this Act shall apply to the launch or operation of a launch vehicle, the operation of a launch site, or any other space launch activity carried out by the United States, or any planning or policies relating to any such launch, operation or activity.

REPORT ON LEGISLATION

SEC. 24. Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing all activities undertaken pursuant to this Act, including a description of the process for the application for and approval of licenses under this Act and recommendations for legislation that may further commercial launch activities. Such report shall also identify Federal statutes, treaties, regulations, and policies which may have an adverse effect on commercial space launch operations and include recommendations on appropriate changes thereto.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Missouri (Mr. VOLKMER) will be recognized for 20 minutes and the gentleman from Washington (Mr. CHANDLER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. VOLKMER).

GENERAL LEAVE

Mr. VOLKMER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3942.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. VOLKMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3942, the Commercial Space Launch Act.

This legislation culminates efforts by the Committee on Science and Technology to devise an effective legislative framework that will facilitate and control space launch services provided by private parties.

The bill is the product of numerous hearings and extensive deliberations by the committee. Many Members have contributed substantially in developing the bill now before us, but I want to recognize, especially, Mr. AKAKA for his initiative and foresightedness in introducing this legislation. I also want to acknowledge and thank the chairman of the committee, DON FUQUA of Florida, the ranking minority member of the committee, LARRY WINN of Kansas, and the ranking mi-

nority member of the subcommittee, MANUEL LUJAN of New Mexico, and ROD CHANDLER of Washington for their leadership and efforts on this legislation.

Mr. Speaker, the committee has always supported the commercialization of space technology when appropriate, while realizing that such commercialization might need statutory policy guidance. Commercial launch services is one such area where this guidance is necessary.

The activities of private parties who provide commercial launch services must be supervised by the Government to insure public safety and to accommodate the foreign policy and national security interests of the United States. This supervision, however, must be exercised in a manner that allows a commercial launch industry to grow while also satisfying government concerns. This legislation represents such an approach.

Currently, any private party who wishes to engage in commercial launch operations must confront a Government approval process that may involve as many as 18 Federal agencies and 22 different statutes and sets of regulations, none of which were originally intended to oversee commercial launch operations. This regulatory climate poses a formidable and unnecessary obstacle to space commercialization. H.R. 3942 replaces this inhibiting atmosphere with a consolidated, comprehensive regulatory framework that will make it easier for a commercial launch industry to prosper.

The bill would establish a centralized government decisionmaking process for approving private space launches. A single agency, the Department of Transportation would be responsible for issuing and enforcing commercial launch licenses. These licenses would subsume currently required licenses and approvals for private launches, except for FCC licenses. The Department of Transportation would have to consult with other agencies in the license approval process and would be required to act on license applications within 120 days of receipt. Launch licensing requirements, prescribed by regulation by the DOT Secretary, would comprise only those necessary to insure satisfaction of public safety, foreign policy, and national security concerns. The DOT Secretary would be authorized, after consulting with the appropriate agencies, to waive specific requirements on an individual basis with respect to any launch and to halt any licensed operation on an immediate basis if such action were necessary for public safety, foreign policy, or national security reasons.

H.R. 3942 would also require private launch operators to have liability insurance in order to meet international treaty obligations. Also, the bill would authorize the Department of Transportation to facilitate the acquisition of Government launch property by private parties and to charge a fee for such use. State law would not be preempted by this legislation. In addition, the approval process for payloads launched by private parties would be unaffected by the bill and would remain as provided for under existing law. However, the Secretary would be responsible for insuring the proper integration of payloads with private launch vehicles for safety reasons. The bill does not apply to Government launch activities.

Mr. Speaker, world market demand for launch services will undoubtedly increase in the years ahead. Expansion of U.S. commercial launch services as a complement to the space shuttle will enhance domestic economic activity and assure U.S. competitiveness in capturing the space launch market. This legislation would contribute substantially to this goal and I urge its adoption by this body.

□ 1220

Mr. FUQUA. Mr. Speaker, will the gentleman from Missouri yield?

Mr. VOLKMER. I yield to the gentleman from Florida, chairman of the committee.

Mr. FUQUA. I appreciate the gentleman yielding.

Mr. Speaker, I rise in support of the bill, and wish to commend the gentleman from Missouri (Mr. VOLKMER) and the members of the subcommittee on both sides of the aisle for the work and dedication that they put forth in bringing this bill to the floor today.

It is a one-stop service and further addresses a new dimension into the commercialization of space and the further broadening of the activities that are to be available in the space arena. I commend the gentleman.

The bill has wide support on both sides of the aisle. I commend the gentleman and subcommittee for the work they did in bringing it to this point.

Mr. Speaker, I rise in support of H.R. 3942, the Commercial Space Launch Act.

This bill, if enacted, will assist the buildup of a new commercial space launch industry.

Government supervision over private launch activities is needed to provide for the public safety, and to meet national security and foreign policy concerns. However, private sector launch activities are currently burdened by redtape and inefficiencies resulting from the participation of too many Federal agencies in commercial launch oversight and control. Some 18 Federal agencies, relying on statutes and regulations that were never intended to control commercial launch operations, have become involved in the regulation of commercial launch activity. HR. 3942 replaces this current ad hoc, confused approach with a streamlined regulatory framework for the promotion and efficient control of private launch activities.

The bill designates the Department of Transportation as the lead agency for commercial space launch activity. Under H.R. 3942, the Department of Transportation is assigned responsibility for issuing and enforcing commercial launch licenses and for encouraging private sector utilization of Government-developed space technology.

The DOT Secretary will define by regulations the requirements for private launches, which will subsume currently required licenses and approvals for private launches, except for an FCC license. The DOT Secretary is required to consult with those Federal agencies which currently may be involved in overseeing some aspect of a commercial launch. This will insure the satisfaction of license requirements necessary to meet public safety. National security and foreign policy concerns. DOT-Agency consultation will continue throughout the launch licensing process.

The DOT Secretary will also promote commercial launch activity by facilitating the lease and acquisition of Government-launch property by private parties.

The bill does not govern payloads, which shall continue to be cleared for launch under the current process. Also, the bill does not apply to Government-launch activity. The bill authorizes $4 million for fiscal year 1985. We anticipate that reimbursements collected from the sale or lease of Government-launch facilities will offset some of these costs.

This bill is an important step the Congress can take to boost domestic economic activity and enhance U.S. competitiveness in capturing the space launch market. Starstruck, Inc., one of the leaders in the commercial space launch industry, has called the act "a major milestone in the development of a sensible and effective regulatory regime for space."

I encourage Members support of H.R. 3942 as an important step in developing a robust commercial launch industry.

Mr. CHANDLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin in my remarks supporting H.R. 3942, the Commercial Space Launch Act, by also commending those leaders who have worked on it, and especially the chairman of the subcommittee, Mr. VOLKMER; and Mr. LUJAN, the ranking minority member for their leadership in the development of this farsighted approach to regulating a potentially exciting new industry, the expending commercial space launch market.

I think special mention also should go to Mr. AKAKA for the original sponsorship of this legislation and his role as head of the space caucus.

Recent debate on the NASA authorization bill revealed that we are entering truly a new age of space commercialization in such areas as communication and space manufacturing. Recognition of the importance of this mission was confirmed by the Congress by its overwhelming commitment to continuation of the space shuttle program and to the new space station initiative.

Today we have the opportunity to take another important step toward promoting the peaceful use of space by passage of this legislation, not only embracing the ELV licensing but the licensing of other launch vehicles.

The purposes of the bill are threefold; to promote economic growth in the United States by encouraging the private sector to provide space launch services, to simplify the process of licensing commercial launch operations and to assign principal responsibility to the Department of Transportation for overseeing commercial launch operations and for issuing licenses to conduct such activities.

The bill, I believe, is a result of careful review by the committee of testimony by industry groups and the administration, all of which supported a centralized approach to regulated space launch services by private industry.

The legislation essentially provides legislative authority for an executive order now in effect. The experience in Washington State with energy facilities evaluation councils strongly suggest the wisdom of this central authority approach. We also want to note that this bill has and should have minimal restrictions on the private launch of expendable vehicles.

Mr. Speaker, H.R. 3942 represents an important legislative initiative consistent with President Reagan's national space policy of 1982 and the President's policy directive of 1983 on commercialization of expendable launch vehicles which affirms that the Government will encourage private sector investment and involvement in civil space activities and will facilitate the commercialization of ELV's.

It is also a policy long supported by the Science and Technology Committee and the Congress, it is deserving of our Members' strongest support.

Mr. VOLKMER. Mr. Speaker, I yield such time as he may consume to the gentleman from Hawaii (Mr. AKAKA).

Mr. AKAKA. I thank the subcommittee chairman very much.

Mr. Speaker, I rise in support of H.R. 3942, the Expendable Launch Vehicle Commercialization Act. I want to take this opportunity to commend the members of the Committee on Science and Technology for their quick and thorough action on this bill. Without the able leadership demonstrated by the chairmen of the full committee and of the Subcommittee on Space Science and Applications, this bill never would have seen the light of day and would probably have remained an inspired dream of a congenial Congressman from Hawaii.

First introduced in the closing days of the 97th Congress, this bill has been around for a long time and yet, the concepts behind this bill are as sound and as vitally important today as they were 3 years ago.

As you know, I have long been on record as one who believes that an investment in space and space-related technologies is one of the soundest economic investments that we can make in the future of our Nation. For every $1 we have invested in the space program, we have gotten a return of $7-$14. The space program drives our technology base and allows us to remain competitive in the international arena of high technology. Investing in our space program is a sound economic strategy for the future.

When we invest in the kind of long-term research and development that is the centerpiece of our space program, we also invest in the development of the kind of high technology which may prove to be an integral part of our future.

Technology developed for the space program is now used to better the quality of our lives right here on Earth. The space program brought us the miniaturization used in today's computer technology, velcro, teflon and tang, just to name a few of the commonly known ones. More importantly, more than 3,500 inventions that can be applied on Earth are now available for licensing as a result of spinoffs from the space program. Programmable medication systems implanted under the skin and ultralightweight materials are prime examples of space technology spinoffs. Thanks to the technology developed for the space program, walkers weighing less than half of the weight of aluminum can be made for the handicapped, thus improving the quality of their lives today. The marriage of computers, artificial intelligence, and robotics may make the term "handicapped" obsolete in the 1990's, thanks to research being done right now for our space program.

It is, in summary, readily apparent to everyone precisely why we should continue to invest in our Nation's space effort. The role for the Federal Government is indeed an impressive one.

The role for the private sector is also an impressive one and it is the essence of that role and the development of that role which lie at the very heart of H.R. 3942.

It has been estimated that by the year 2000, commercial space activities may be worth as much as $200-$300 billion to our national economy; commercial space activities may account for as many as 10 million jobs by the year 2000. By the year 2000, in fact, commercial manufacturing in space may be routine, with the production of drugs and products in space accounting for a major sphere of economic activity.

It is perfectly clear that the potential for commercial space development is vast, and replete with enormous economic opportunity for the future. It is also perfectly clear that the final responsibility for commercial space development rests with the private sector, and not with the Federal Government.

The Federal Government bears a major responsibility for the entry of the commercial sector into the marketplace, but that is also where the responsibility of the Federal Government should end. The role of the Federal Government in the arena of commercial space activity should be limited to clearing away the obstacles to which the private sector has been subjected. And that is precisely why H.R. 3942 is so very important. H.R. 3942 streamlines the Federal Government's approval process for those companies wishing to commercialize expendable launch vehicles. H.R. 3942 establishes a central point of contact for companies, and relieves them of the burden of getting permits and permissions from 6 to 12 different Federal agencies or bodies. What H.R. 3942 does is to create a climate which is conducive to private sector entry into the commercial space launch market. H.R. 3942 allows the private sector to pick up the commercial space launch ball and run with it.

It is not the intention of H.R. 3942 to grant to the private sector special subsidies to encourage them, artificially, to develop an industry whose market can be sustained only by the Federal Government. If there is, as some say, no market for commerical space launch vehicles, then there will, after a period of years, be no commerical space launch business. The economics of the marketplace are that simple.

While I remain staunchly opposed to outright subsidy for the commerical space launch industry, I remain firmly committed to clearing away the obstacles to development of that industry. This is a balance which I believe that H.R. 3942 achieves.

While, as a matter of policy at the Federal level, we must encourage the development of commerical space launch activities, we must not allow ourselves to be talked into funding the development of an Amtrak for space.

In short, I lend my full support to the real and commerical growth of this new industry; I urge my col-

leagues to do the same by lending their full support to this bill.

Mr. VOLKMER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. ANNUNZIO).

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3282

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 3282.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VOLKMER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. NELSON).

Mr. NELSON of Florida. I thank the chairman for yielding time to me.

Mr. Speaker, I rise in support of the Commercial Space Launch Act.

An important part of the future of our country depends on our utilization of space. Over the past two decades we have seen the enormous strides made in NASA's efforts to reach for the stars and beyond. Presently, our most sophisticated techniques are being implemented in tomorrow's space ventures. NASA has prided itself in leading the world in space technology.

Now in 1984, this technology has uses which surpass the research and development needs of NASA. It is time private businesses were allowed to freely use this technology with the least amount of Federal regulation possible.

Several years ago, the Congress commercialized communication satellites and today it has grown into a multibillion-dollar industry. Without the freedom from Government redtape, I seriously doubt we would be seeing the advances in satellite communications we have today.

Now it is time to allow the private sector the opportunity to develop a thrivinig and profitable business in the commercialization of expendable launch vehicles.

A report out of this month's Nation's Business said:

> Despite all obstacles, American businesses are beginning to line up like the westward-bound wagonmasters of an earlier epoch of discovery and development. By 1987, analysts say, more than $1 billion will be committed to private sector pursuits in space—just seed money in the nation's newest and most dramatic sunrise industry.

Mr. Speaker, commercializing ELV's is the necessary first step in the development of this new frontier for private business. Congress must allow it to grow freely and unrestricted if it is to flourish. This legislation, H.R. 3942, will put the congressional stamp of approval in such an endeavor.

□ 1230

Mr. CHANDLER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. KRAMER).

Mr. KRAMER. Mr. Speaker, I rise in support of H.R. 3942 of which I am really indeed proud to be a cosponsor. My congratulations to the gentleman from Hawaii (Mr. AKAKA), the gentleman from Florida (Mr. FUQUA), the gentleman from Missouri (Mr. VOLKMER) and the gentleman from Washington (Mr. CHANDLER) for a job well done.

This bill, the Commercial Space Launch Act, is indeed an historic milestone in the development of a new frontier in space. The simple minimal and appropriate licensing and regulatory arrangement it establishes will encourage the growth of a strong American private enterprise space launch and services industry, while assuring that our national security, our foreign policy, and public safety interests are protected.

Private sector involvement in America's space enterprise will shape our future on the new frontier. Already at least a half dozen companies have announced plans to offer commercial space launch services. I expect that many, many more companies will soon enter the marketplace and follow this example.

Now is the time to set up an efficient and reasonable procedure for authorizing commercial space launches. This will encourage investors, it will encourage entrepreneurs to enter this new field and insure that the United States will indeed remain first in space.

Space is a growth industry with enormous potential for spawning new businesses, new industries, and creating thousands of new jobs for our countrymen. H.R. 3942's one-stop shopping will eliminate regulatory potholes in the road to space and the economic renaissance it promises for America and the world will clearly be promoted by passage of this legislation.

I urge all my colleagues to give it their most wholehearted support.

● Mr. LOWERY of California. Mr. Speaker, as an original sponsor of H.R. 3942, the Commercial Space Launch Act, and a member of the Subcommittee on Space Science and Applications, it is a special pleasure for me to rise before the House of Representatives in strong support of this measure.

H.R. 3942 represents a significant milestone in our Nation's space program. It is noteworthy in that the question being addressed today is no longer whether space has commercial promise, but how best to proceed to maximize that promise for national economic well-being.

Rapidly expanding launch demands by commercial satellite users have caused the Congress and executive branch to reevaluate expendable launch vehicle (ELV) policy. The projected capability of our space shuttle cannot meet these demands. More importantly, the French company, Arianespace, has emerged as a formidable competitor with progressive financing strategies, substantial financial backing, and aggressive marketing. An economic compromise is essential to enable U.S. commercial ELV's to complement the shuttle and keep America first in space. H.R. 3942 represents an important step in such a compromise and deserves the support of this body.

The existence of a viable commercial ELV industry will add to the general economic vitality of the United States. This new industry will maintain a high technology industrial base unparalleled in the free world and provide jobs for thousands of American workers.

Furthermore, commercial ELV operations are expected to spawn numerous spinoffs and supporting activities, strengthening the U.S. position and providing substantial long-term economic benefits.

The French should not be allowed to continue unchallenged. American firms must be allowed to compete in the launch vehicle market and H.R. 3942 provides the framework by which they may pursue such business potential.

A favorable space policy, as embodied in the Commercial Space Launch Act, will open the $10 billion commercial launch market to American companies and provide a ready, inexpensive shuttle backup maintained by private enterprise. I urge all my colleagues to support H.R. 3942.●

Mr. CHANDLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VOLKMER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The Speaker pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. VOLKMER) that the House suspend the rules and pass the bill, H.R. 3942, as amended.

The question was taken; and (two-thirds have voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to facilitate commercial space launches, and for other purposes."

A motion to reconsider was laid on the table.

MARINE MAMMAL PROTECTION ACT AUTHORIZATION FOR FISCAL YEARS 1985-88

Mr. BREAUX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4997) to authorize appropriations to carry out the Marine Mammal Protection Act of 1972 for fiscal years 1985, 1986, and 1987, as amended.

The Clerk read as follows:

H.R. 4997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 101(a)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(2)) is amended to read as follows: "For purposes of applying the preceding sentence, the Secretary—

"(A) shall insist on reasonable proof from the government of any nation from which fish or fish products will be exported to the United States of the effects on ocean mammals of the commercial fishing technology in use for such fish or fish products exported from such nation to the United States; and

"(B) in the case of yellowfin tuna harvested with purse seines in the eastern tropical Pacific Ocean, and products therefrom, to be exported to the United States, shall require that the government of the exporting nation provide documentary evidence that—

"(i) the government of the harvesting nation has adopted a regulatory program governing the incidental taking of marine mammals in the course of such harvesting that is comparable to that of the United States; and

"(ii) the average rate of that incidental taking by the vessels of the harvesting nation is comparable to the average rate of incidental taking of marine mammals by United States vessels in the course of such harvesting.".

SEC. 2. Section 104(h) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(h)) is amended—

(1) by inserting "(1)" after "(h)"; and

(2) by adding at the end thereof the following paragraphs:

"(2)(A) Subject to subparagraph (B), the general permit issued under paragraph (1) on December 1, 1980 to the American Tunaboat Association is extended to authorize and govern the taking of marine mammals incidental to commercial purse seine fishing for yellowfin tuna during each year after December 31, 1984.

"(B) The extension granted under subparagraph (A) is subject to the following conditions:

"(i) The extension shall cease to have force and effect at the time the general permit is surrendered or terminated.

"(ii) The permittee and certificate holders shall use the best marine mammal safety techniques and equipment that are economically and technologically practicable.

"(iii) During the period of the extension, the terms and conditions of the general permit that are in effect on the date of the enactment of this paragraph shall apply, except that—

"(I) the Secretary may make such adjustments as may be appropriate to those terms and conditions that pertain to fishing gear and fishing practice requirements and to permit administration;

"(II) any such term and condition may be amended or terminated if the amendment or termination is based on the best scientific information available, including that obtained under the monitoring program required under paragraph (3)(A); and

"(III) during each year of the extension, not to exceed 250 coastal spotted dolphin (Stenella attenuata) and not to exceed 2,750 eastern spinner dolphin (Stenella longirostris) may be incidentally taken under the general permit, and no accidental taking of either species is authorized at any time when incidental taking of that species is permitted.

"(C) The quota on the incidental taking of coastal spotted dolphin and eastern spinner dolphin under paragraph (2)(B)(iii)(III) shall be treated—

"(i) as within, and not in addition to, the overall annual quota under the general permit on the incidental taking of marine mammals; and

"(ii) for purposes of paragraph (2)(B)(iii)(II), as a term of the general permit in effect on the date of the enactment of this paragraph.

"(3)(A) The Secretary shall, commencing on January 1, 1985, undertake a scientific research program to monitor for at least five consecutive years, and periodically as necessary thereafter, the indices of abundance and trends of marine mammal population stocks which are incidentally taken in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean.

"(B) If the Secretary determines, on the basis of the best scientific information available (including that obtained under the monitoring program), that the incidental taking of marine mammals permitted under the general permit referred to in paragraph (2) is having a significant adverse effect on a marine mammal population stock, the Secretary shall take such action as is necessary, after notice and an opportunity for an agency hearing on the record, to modify the applicable incidental take quotas or requirements for gear and fishing practices (or both such quotas and requirements) for such fishing so as to ensure that the marine mammal population stock is not significantly adversely affected by the incidental taking.

"(C) For each year after 1984, the Secretary shall include in his annual report to the public and the Congress under section 103(f) a discussion of the proposed activities to be conducted each year as part of the monitoring program required by subparagraph (A).

"(D) There are authorized to be appropriated to the Department of Commerce for purposes of carrying out the monitoring program required under this paragraph not to exceed $4,000,000 for the period beginning October 1, 1984, and ending September 30, 1988.".

SEC. 3. (a) Section 201(b)(1) of the Marine Mammal Act of 1972 (16 U.S.C. 1401(b)(1)) is amended by striking the second sentence thereof and inserting in lieu thereof the following: "The President shall make his selection from a list of individuals knowledgeable in the fields of marine ecology and resource management, and who are not in a position to profit from the taking of marine mammals. Such list shall be submitted to him by the Chairman of the Council on Environmental Quality and unanimously agreed to by that Chairman, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation and the Chairman of the National Academy of Sciences."

(b) The first sentence of section 206 of such Act of 1972 (16 U.S.C. 1406) is amended by adding immediately before the period at the end thereof the following: "; except that no fewer than 11 employees must be employed under paragraph (1) at any time".

SEC. 4. Section 7 of the Act entitled "An Act to improve the operation of the Marine Mammal Protection Act of 1972, and for other purposes", approved October 9, 1981 (16 U.S.C. 1384 and 1407) is amended—

(1) by amending subsection (a)—

(A) by inserting "(other than section 104(h)(3))" immediately after "title I", and

(B) by striking out "for fiscal year 1984." and inserting in lieu thereof "for each of fiscal years 1984, 1985, 1986, 1987, and 1988.";

(2) by striking out "and $2,000,000 for fiscal year 1984." and subsection (b) and inserting in lieu thereof "$2,000,000 for fiscal year 1984, $2,500,000 for fiscal year 1985, and $3,000,000 for each of fiscal years 1986, 1987, and 1988." and

(3) by striking out "for fiscal year 1984." in subsection (c) and inserting in lieu thereof "for each of fiscal years 1984, 1985, 1986, 1987, and 1988.".

SEC. 5. Section 2(c) of the Fishery Conservation Zone Transition Act (16 U.S.C. 1823 note) is amended—

(1) by striking out "July 1, 1984" in each of paragraphs (1) and (2) and inserting in lieu thereof "December 31, 1985";

(2) by striking out "May 3, 1983" in paragraph (1) and inserting in lieu thereof "May 8, 1984";

(3) by striking out "May 3, 1983" in paragraph (2) and inserting in lieu thereof "May 7, 1984"; and

(4) by amending the last sentence thereof by striking out "Each such governing international fishery agreement" and inserting in lieu thereof "The governing international fishery agreements referred to in paragraphs (1) and (2) shall enter into force and effect with respect to the United States on July 1, 1984; and the governing international fishery agreement referred to in paragraph (3)".

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The Speaker pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Louisiana Mr. BREAUX) will be recognized for 20 minutes and the gentleman from Alaska (Mr. YOUNG) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4997 would authorize appropriations for the Marine Mammal Protection Act of 1972 (MMPA) and extend the existing governing international fishery agreements with Poland and the U.S.S.R.

The MMPA committed the United States to a long-term management and research program to protect marine mammals. Although there are a few exceptions, the act placed a moratorium on taking marine mammals or importing marine mammals or their parts and products into the United States. Under the act, the National Marine Fisheries Service is responsible for whales, porpoises, seals and sea lions. The Fish and Wildlife Service is responsible for manatees, polar bears, sea otters, and walruses.

As some of the Members recall, the Marine Mammal Protection Act has been the source of some major controversies over the years. Fortunately,

the level of controversy has subsided somewhat in recent years, due in large part to the success of the tuna industry in reducing the incidental take of porpoises in their fisheries. When the act was enacted in 1972, more than 300,000 porpoises a year were being killed in the purse seine fishery; in 1983, less than 10,000 animals were taken.

In 1981, when we last reauthorized the act, we made a number of changes to make the act easier to implement and more effective. A major part of the 1981 legislation was a change in the law to facilitate return of management to the States. We also authorized the incidental taking of small numbers of animals in fishing and other industry operations where it would not be detrimental to marine mammal populations. These and other amendments were unanimously approved by both Houses and signed into law. This year, we have again tried to take a rational look at the Marine Mammal Protection Act. The one major concern that has been raised concerns the incidental take of porpoise in the tuna purse seine fishery.

The Marine Mammal Protection Act (MMPA) allows for the incidental taking of marine mammals in the course of purse seine fishing for tuna in the tropical Pacific if the marine mammal stocks are at optimum sustainable population (OSP) levels. As I stated earlier, that incidental take has been greatly reduced. There is currently a permit in force which allows for the incidental taking of up to 20,500 animals per year, although the current level of take is less than 10,000 animals per year. There is consensus among the various environmental groups and the scientists that this level of take is not having a detrimental effect on porpoise stocks. Unfortunately, the process for issuing permits for incidental take is still as lengthy and complicated as when the level of take was many times greater.

The problem has been that the National Marine Fisheries Service (NMFS) has adopted a working definition of OSP for porpoises that is beyond the capability of the available data. The act defines OSP as the number of animals which results in the maximum productivity of the stock, keeping in mind the carrying capacity of the environment and the health of the ecosystem. NMFS has interpreted this definition of OSP to mean a range of population levels between maximum net productivity at the lower limit and carrying capacity at the upper limit. For regulatory purposes, NMFS considers carrying capacity to be synonymous with the historic marine mammal population level prior to development of the pursue seine fishery for tuna, and defines the lower limit of the OSP range as 60 percent of this historic population level. If NMFS could solidly determine the current and historic population levels, this might not be a problem. Unfortunately, they can determine neither with sufficient precision to be of any use in management.

Responsible and concerned members of the environmental community, the tuna industry, and the Federal Government all recognize that an alternative approach is necessary, and this legislation reflects a consensus on this issue. It would simply freeze the current permit and provide an additional small quota for incidental take of two species for which no quota is currently provided. If at any time the Secretary of Commerce believes that a stock of porpoises is being significantly adversely affected, he could adjust the quota on that stock or institute other protective measures. I would stress that the goal of the act to reduce incidental take to as low a point as is economically and technologically practicable would still be in effect. In addition, during the period that the permit is in effect, the same permit requirements relating to fishing techniques and equipment would also be in effect. These requirements could be amended to facilitate compliance or permit administration. We anticipate that any such changes would be of a minor nature and would not require a hearing before an administrative law judge.

The legislation would also direct the Secretary to undertake a scientific research program to monitor the population trends of the porpoise stocks that are taken in the tuna fisheries. This trend data would be used in determining the health of the stocks in question, rather than depending upon suspect estimates of historic population size. Trend data would reveal whether or not the stocks are increasing or decreasing, and would provide useful information on porpoise population dynamics and productivity of the stocks. The study provision contains a special 4-year, $4 million authorization.

H.R. 4997 also contains an amendment to the section of the MMPA that bans the importation of fish products from nations where the commercial fishing technology in use results in an incidental take in excess of U.S. standards. We are concerned that the Departments of State, Commerce, and Treasury are not enforcing this provision strictly enough. We cannot impose severe restrictions on our own fleets and then allow foreign nations that do not even regulate the take of marine mammals to flood our markets with their products. The bill, as amended, would require the administration, in making the determination as to whether to allow the importation of yellowfin tuna, to look specifically at the regulatory program of the exporting nation and the incidental kill rate of their flag vessels to determine if their program and kill rates were comparable to those in the United States. If they were not, importation of their products would be prohibited.

The legislation also contains two amendments to the MMPA relating to the Marine Mammal Commission. Established under title II of the act, the Marine Mammal Commission is an independent agency of the executive branch. It is charged with the responsibility for developing, reviewing, and making recommendations on actions and policies of all Federal agencies with respect to marine mammal protection and conservation. The Commission members are appointed by the President from a list of individuals knowledgeable in the fields of marine ecology and resource management submitted to him by the Chairman of the Council on Environmental Quality, the Secretary of the Smithsonian Institute, the Director of the National Science Foundation, and the Chairman of the National Academy of Sciences. In spite of the languages of the statute that implies that the President is to receive a single list of recommendations, the White House has requested lists from each of the above-named officials. This has diluted the quality of the review of the prospective Commission members. H.R. 4997 would confirm the original intent of the legislation that Commission members are to be chosen from a single list, unanimously agreed to by the officials from the various recommending agencies.

We are also concerned that the Commission needs to maintain a certain level of personnel to remain effective. Although funds are appropriated, personnel ceilings are often restricted. The legislation contains language that requires the Commission to maintain a staff of 11 persons.

H.R. 4997 would adjust the authorizations of appropriations to extend the Marine Mammal Protection Act for 4 years through fiscal year 1988. The Department of the Interior would be authorized $2.5 million for fiscal year 1985 and $3 million for fiscal years 1986, 1987, and 1988. The Department of Commerce would be authorized $8.8 million per year for the same period in addition to the special authorization relating to porpoise research. The Marine Mammal Commission would receive an authorization of $1.1 million over the 4-year period.

Mr. Speaker, as I earlier noted, section 5 of the bill contains congressional approval for the recently negotiated 18-month extension of the existing Governing International Fishery Agreements (GIFA's) between the United States and both Poland and the Soviet Union, respectively. This action is necessary because the existing agreement is due to expire on July 1 of this year and these extensions were not submitted to the Congress by the White House in time for them to

be approved without congressional action under the mechanism set forth in the Fishery Conservation and Management Act.

I know that some Members may be wondering why we are taking this action, which would appear to present these two nations with favorable considerations for fishing privileges in U.S. waters, at a time when overall relationships between our countries are not at their best. I think it is important for the Members to note that through the approval of these extensions, the Congress is not overturning the policy of both the Carter and Reagan administrations in denying direct access to U.S fishery resources by the Soviet Union, access which was denied as a result of the Soviet invasion of Afghanistan. Our action today also does not affect the decision by the Reagan administration to reinstitute a direct allocation for Poland, provided that nation comply with the so-called "fish and chips" policy of U.S. law.

I think it is extremely important for the Members to note that significant benefits accrue to U.S. citizens as a result of these agreements and the ability of our Government to apply fish and chips to these nations. For example, by maintaining the existing fishery relations with the Soviet Union, U.S. fishermen will be able to continue joint venture operations which, in 1983, employed 42 U.S. vessels in the harvesting of over 167,000 metric tons of surplus fishery resources worth almost $25 million to U.S. citizens. Similarly, negotiations between the United States and Poland should result in the same type of benefits for U.S. fishermen who currently face severely limited markets for certain fishery resources.

In conclusion, Mr. Speaker, I believe that this legislation represents sound policy for both the continued protection of marine mammals and the betterment of economic conditions for a substantial number of U.S. fishermen.

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Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to express my support of H.R. 4997, a bill which reauthorizes and makes certain amendments to the Marine Mammal Protection Act. I would also urge adoption of a committee amendment which would amend the act with respect to employees of, and appointments to, the Marine Mammal Commission, and which would extend the United States-Soviet and United States-Polish Governing International Fishery Agreements until December 31, 1985. These agreement are due to expire on July 1, 1984.

I am particularly pleased that, due in large part to the efforts of the subcommittee chairman, Mr. BREAUX, the concerns of both the environmental community and the domestic fishing industry were accommodated in the Marine Mammal Protection Act amendments. Given my interest in the full domestic utilization of fishery resources off the coasts of the United States, it is my hope that the United States-Polish and United States-Soviet GIFA's, which would be extended under this bill, will lead to direct benefits for domestic fishermen in the U.S. zone. I would like to point out that the Fishery Conservation and Management Act provides that foreign fishing shall not be authorized in the U.S. zone unless the foreign nation extends substantially the same fishing privileges to fishing vessels of the United States as the United States extends to foreign fishing vessels. Given the existence of fishery resources off the coasts of the Soviet Union in which U.S. fishing industry has expressed interest, it is my hope that the Department of State will vigorously pursue a bilateral fisheries access agreement with the Soviet Union.

Mr. Speaker, I urge my colleagues to join with me in supporting H.R. 4997.

● Mr. JONES of North Carolina. Mr. Speaker, H.R. 4997 extends the authorization of appropriations for the Departments of Commerce and the Interior and the Marine Mammal Commission to enable these agencies to carry out their responsibilities under the Marine Mammal Protection Act.

H.R. 4997, as amended, authorizes $8.8 million annually for the Department of Commerce through fiscal year 1988; $2.5 million for fiscal year 1985; and $3 million annually for 1986, 1987, and 1988 for the Department of the Interior; and $1.1 million annually through fiscal year 1988 for the Marine Mammal Commission. It also authorizes a one-time $4 million appropriation to the Department of Commerce and directs the Secretary to carry out a 5-year scientific research program to monitor population and abundance trends for porpoise stocks in the eastern tropical Pacific Ocean. In addition, the bill strengthens the existing provisions in the act to insure that foreign vessels harvesting tuna in that ocean for export to this country are subject to regulatory controls comparable to those imposed on U.S. tuna fishermen to protect porpoise stocks.

H.R. 4997 freezes the existing general permit of the American Tunaboat Association for the incidental taking of porpoise in connection with the commercial purse seine tuna fishery in the eastern tropical Pacific Ocean, thereby relieving the tuna industry and the Department of Commerce of some lengthy and costly administrative procedures without in any way lessening efforts to conserve porpoise stocks. Finally, it sets small quotas for two species of dolphin taken incidental to that fishery.

This bill, as amended, also changes the language of the existing act to clarify the procedure for selecting the members of the Marine Mammal Commission and to insure ample staff for the Commission.

Finally, H.R. 4997 amends the Fishery Conservation Zone Transition Act to extend for 18 months the governing international fishery agreements between the United States and Poland and between the United States and the U.S.S.R. This will permit certain species of fish, which normally would not be harvested, to be caught by American fishermen and sold "over the side" to foreign processors who have a market for them. Such joint ventures are very important to the economy of our fishermen on the west coast.

The changes to the act were worked out in consultation with major conservation groups and the tuna industry and the Merchant Marine and Fisheries Committee reported this measure, as amended, by a unanimous voice vote.

Since the passage of the Marine Mammal Protection Act much progress has been made in the conservation of porpoise in particular and marine mammals in general. This legislation will allow us to continue such progress. Therefore, I urge my colleagues to pass H.R. 4997.●

Mr. BREAUX. Mr. Speaker, I have no further requests for time.

Mr. YOUNG of Alaska, Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BREAUX. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BREAUX) that the House suspend the rules and pass the bill, H.R. 4997, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize appropriations to carry out the Marine Mammal Protection Act of 1972, for fiscal years 1985 through 1988, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BREAUX. Mr. Speaker, I ask unanimous consent that all Members who wish to to do so may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 1097, SATELLITE PROGRAM AUTHORIZATION ACT

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1097) to consolidate and authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce, disagree to the Senate amendments to the House amendments, and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. HUBBARD). Is there objection to the request of the gentleman from Florida?

Mr. HANSEN of Utah. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman if this has been cleared by the minority side.

Mr. FUQUA. If the gentleman will yield, Mr. Speaker, yes, it has been cleared.

Mr. HANSEN of Utah. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? The Chair hears none, and, without objection, appoints the following conferees: Messrs. FUQUA, SCHEUER, VALENTINE, HARKIN, ANDREWS of Texas, JONES of North Carolina, D'AMOURS, WINN, and MCGRATH, Mrs. SCHNEIDER, and Mr. CARNEY.

There was no objection.

HUMAN SERVICES AMENDMENTS OF 1984

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5145) to authorize appropriations for Head Start, Follow Through, and community services programs, to establish a program to provide child care information and referral services, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5145

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Human Services Amendments of 1984".

TITLE I—PROJECT HEAD START

ADMINISTRATION

SEC. 101. Section 636 of the Head Start Act (42 U.S.C. 9831) is amended by adding at the end thereof the following new subsection:

"(c) The Secretary shall administer Project Head Start through the Administration for Children, Youth, and Families within the Department of Health and Human Services.".

TECHNICAL AMENDMENTS

SEC. 102. Section 637(2) of the Head Start Act (42 U.S.C. 9832(2)) is amended by inserting "the Commonwealth of" before "the Northern Mariana Islands".

AUTHORIZATION OF APPROPRIATIONS

SEC. 103. Section 639 of the Head Start Act (42 U.S.C. 9834) is amended—

(1) by striking out "$950,000,000" and all that follows through "1983, and", and

(2) by inserting before the period the following: ", $1,111,000,000 for fiscal year 1985, $1,167,000,000 for fiscal year 1986, $1,225,000,000 for fiscal year 1987, $1,286,000,000 for fiscal year 1988, and $1,350,000,000 for fiscal year 1989".

ALLOTMENT OF FUNDS

SEC. 104. Section 640(a) of the Head Start Act (42 U.S.C. 9834(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (C) by inserting ", as described in section 648, except that there shall be made available for this purpose no less funds than were obligated for this purpose for fiscal year 1982" before the semicolon,

(B) in subparagraph (D) by striking out the period and inserting in lieu thereof a semicolon; and

(C) by adding at the end of such paragraph the following:

"except that no funds reserved under this paragraph may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment.", and

(2) in paragraph (4) by inserting "the Commonwealth of" before "the Northern Mariana Islands".

DESIGNATION OF HEAD START AGENCIES

SEC. 105. (a) Section 641(a) of the Head Start Act (42 U.S.C. 9836(a)) is amended—

(1) by striking out "which" and inserting in lieu thereof "in a community if such agency", and

(2) in paragraph (1) by striking out "a community" and inserting in lieu thereof "such community".

(b) Section 641(c) of the Head Start Act (42 U.S.C. 9836(c)) is amended—

(1) by striking out "give priority in the designation of Head Start agencies to" and inserting in lieu thereof "designate as a Head Start agency",

(2) by striking out "nonprofit agency which" and inserting in lieu thereof "nonprofit agency in a community if such agency",

(3) in paragraph (1) by striking out "giving such priority" and inserting in lieu thereof "making such designation",

(4) in paragraph (2) by striking out "give priority in the designation of Head Start agencies to" and inserting in lieu thereof "designate as the Head Start agency", and

(5) by striking out the last sentence.

(c) Section 641 of the Head Start Act (42 U.S.C. 9836) is amended—

(1) by redesignating subsection (d) as subsection (f), and

(2) by inserting after subsection (c) the following new subsections:

"(d) If there is no Head Start agency as described in subsection (c)(1), no successor agency as described in subsection (c)(2), and no existing Head Start agency serving a community, then the Secretary may designate a Head Start agency from among qualified applicants in such community. Any such designation shall be governed by the program and fiscal requirements, criteria, and standards applicable on September 1, 1983, to then existing Head Start agencies.

"(e) Except as provided in subsection (d), this section shall be carried out in fiscal years 1985 through 1989 in accordance with the rules issued under this section by the Secretary as in effect on September 1, 1983.".

PARTICIPATION IN HEAD START PROGRAMS

SEC. 106. (a) Section 645(a)(1) of the Head Start Act (42 U.S.C. 9840(a)(1)) is amended by adding at the end thereof the following: "During the period beginning on the date of the enactment of the Human Services Amendments of 1984 and ending on October 1, 1986, and unless specifically authorized in any statute of the United States enacted after such date of enactment, the Secretary may not make any change in the method, as in effect on April 25, 1984, of calculating income used to prescribe eligibility for the participation of persons in the Head Start programs assisted under this subchapter if such change would result in any reduction in, or exclusion from, participation of persons in any of such programs.".

(b) Section 645 of the Head Start Act (42 U.S.C. 9840) is amended by adding at the end thereof the following new subsection:

"(c) Each Head Start program operated in a community may provide services to any eligible child for any period in which such child is not less than 3 years of age and has not attained the age of compulsory school attendance in the State in which such program operates.".

TECHNICAL ASSISTANCE AND TRAINING

SEC. 107. Section 648 of the Head Start Act (42 U.S.C. 9843) is amended—

(1) by striking out "may" and inserting in lieu thereof "shall", and

(2) by inserting the following before the period at the end thereof: ", including a national child development associate training and assessment program providing the necessary credentialing for such personnel, and training (including resource access projects) which improves the ability of such personnel to provide Head Start services to handicapped children".

RESEARCH, DEMONSTRATION, AND PILOT PROJECTS

SEC. 108. Section 649 of the Head Start Act (42 U.S.C. 9844) is amended by adding at the end thereof the following new subsection:

"(c) No funds available to carry out this section may be combined with funds available to carry out any other provision of law if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment to a recipient of such funds.".

EVALUATION

SEC. 109. The second sentence of section 651(b) of the Head Start Act (42 U.S.C. 9846(b)) is amended to read as follows: "Any revisions in such standards shall not result in either the elimination of, or the reduction in the scope of, types of health, education, parent involvement, social, or other services required by the performance standards issued by the Secretary as in effect on November 2, 1978.".

TITLE II—FOLLOW THROUGH PROGRAMS

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. Section 663(a) of the Follow Through Act (42 U.S.C. 9862(a)) is amended—

(1) in paragraph (1)—

(A) by striking out "$44,300,000" and all that follow through "1984", and

(B) by inserting before the period the following: "$22,150,000 for fiscal year 1984, $23,000,000 for fiscal year 1985, $24,150,000 for fiscal year 1986, $25,350,000 for fiscal year 1987, $25,650,000 for fiscal year 1988, and $27,000,000 for fiscal year 1989", and

(2) in paragraph (2) by striking out "for fiscal years 1982 and 1983".

RESEARCH, DEMONSTRATION, AND PILOT PROJECTS

SEC. 202. Section 664(a) of the Follow Through Act (42 U.S.C. 9863(a)) is amended—

(1) by striking out "may" and inserting in lieu thereof "shall", and

(2) by striking out "special problems" and all that follows through "subchapter", and inserting in lieu thereof the following: "the special problems of primarily low-income children previously enrolled in Head Start or similar programs in continuing to develop to their full potential in kindergarten and the primary grades".

EVALUATION

SEC. 203. (a) Subsection (a) of section 666 of the Follow Through Act (42 U.S.C. 9865(a)) is amended to read as follows:

"(a) The Secretary shall, directly or through grants or contracts, provide for a review and analysis of all previous evaluations and reports made in connection with all Follow Through programs and projects authorized by any Act of Congress in effect after August 20, 1964, and provide a comprehensive evaluative report that measures the impact of such programs and projects with regard to—

"(1) the effectiveness of such programs and projects in achieving their stated goals;

"(2) the impact of such programs and projects on related programs;

"(3) the impact of such programs and projects on efforts to link preschool and elementary school programs in order to maintain and enhance the continuity of a child's development;

"(4) the structure and mechanism of such programs and projects for delivery of services; and

"(5) the effectiveness of such programs and projects in narrowing the gap in successful educational performance between children from low-income families and children from non-low-income families.

Such review may be conducted only by persons who are not directly involved in the development, design, administration, or implementation of such programs and projects. Such report shall include comparisons with appropriate control groups composed of persons who have not participated in such programs and projects, including persons from non-low-income families. Such report shall be submitted to the President and the Congress not later than January 30, 1988.".

(b) Section 666(c) of the Follow Through Act (42 U.S.C. 9865(b)) is amended by striking out "evaluations" and inserting in lieu thereof "any evaluation".

TECHNICAL AMENDMENT

SEC. 204. Section 670 of the Follow Through Act (42 U.S.C. 9868) is repealed.

CHILD CARE INFORMATION AND REFERRAL

SEC. 205. The Follow Through Act (42 U.S.C. 9861–9868) is amended by adding at the end thereof the following new subchapter:

"Subchapter D—Child Care Information and Referral

"SHORT TITLE

"SEC. 670. This subchapter may be cited as the 'Child Care Information and Referral Services Act'.

"STATEMENT OF PURPOSE

"SEC. 670A. It is the purpose of this subchapter—

"(1) to make efficient use of available child care resources by creating models for centralized systems for matching families' needs for child care services with appropriate child care providers;

"(2) to document at the local level the availability of and demand for child care providers;

"(3) to facilitate an educated choice for parents, of appropriate child care services according to parental needs and preferences; and

"(4) to improve the quality and increase the number of child care providers by making information available on local needs and preferences for child care services.

"FINANCIAL ASSISTANCE FOR CHILD CARE INFORMATION AND REFERRAL SERVICES

"SEC. 670B. (a) The Secretary of Health and Human Services (hereinafter in this subchapter referred to as the 'Secretary'), through the Administration for Children, Youth, and Families, shall make grants to assist public or private nonprofit organizations to establish and operate community-based child care information and referral centers.

"(b)(1) Any community-based public or private nonprofit organization which desires to receive a grant under subsection (a) shall submit an application to the Secretary in such manner as the Secretary may require. Such application shall—

"(A) describe the manner in which the child care information and referral center involved will be established or operated, as the case may be;

"(B) describe the services to be provided by such center;

"(C) contain an estimate of the cost of establishing or operating such center, as the case may be; and

"(D) include such other information as the Secretary determines to be necessary to carry out the purposes of this subchapter.

"(2) The Secretary, in evaluating applications for grants under subsection (a), shall consider the demonstrated ability of applicants to provide child care information and referral services. Priority shall be given to applications for grants of less than $75,000.

"(3) Recipients of grants under subsection (a) shall be selected through a competitive process to be established by the Secretary. As part of such process, the Secretary shall announce publicly the availability of funds for such grants, the general criteria for the selection of grant recipients, and a description of the processes applicable to submitting and reviewing applications for such grants.

"(c) A grant may be made under subsection (a) to an applicant only if such applicant provides adequate assurances that—

"(A) such grant will be used solely for the establishment or operation, or both, of a child care information and referral center;

"(B) any such center for which such grant is made shall provide information to interested persons only with respect to providers of child care services that meet applicable State and local licensing and registration requirements; and

"(C) during the period for which one or more of such grants are made, such center shall obtain the following percentages of its projected budget through non-Federal sources of funding:

"(i) at least 25 percent in the first and second years;

"(ii) at least 50 percent in the third year; and

"(iii) at least 65 percent in the fourth and fifth years.

"(d) If one or more grants are made under subsection (a) to operate a child care information and referral center for a period of 5 years in the aggregate, then no applicant shall be eligible to receive a grant to be made under such subsection to operate such center after such period.

"REPORTS

"SEC. 670C. (a) Not later than December 31 of each year, each recipient of a grant made under section 670B(a) shall submit to the Secretary a comprehensive report on the activities, during the most recent concluded fiscal year, of the center for which such grant was made. Such report shall contain such information as the Secretary may require by rule.

"(b) Not later than March 1 of each year, the Secretary shall submit to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on Labor and Human Resources of the Senate a comprehensive report on the activities carried out under this subchapter during the most recently concluded fiscal year.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 670D. There is authorized to be appropriated to carry out this subchapter $8,000,000 for fiscal year 1985, $8,400,000 for fiscal year 1986, $8,825,000 for fiscal year 1987, $9,275,000 for fiscal year 1988, and $9,725,000 for fiscal year 1989.

"APPLICABILITY OF PROVISIONS OF SUBCHAPTER B

"SEC. 670E. The provisions of sections 653, 654, 655, 656, and 657 shall apply to the administration of this subchapter.".

TITLE III—COMMUNITY SERVICES PROGRAMS

COMMUNITY SERVICES GRANTS AUTHORIZED

SEC. 301. Section 672(b) of the Community Services Block Grant Act (42 U.S.C. 9901(b)) is amended by striking out "1982" and all that follows through "provisions of", and inserting in lieu thereof "1983, $409,000,000 for fiscal year 1984, $429,500,000 for fiscal year 1985, $451,000,000 for fiscal year 1986, $473,500,000 for fiscal year 1987, $497,000,000 for fiscal year 1988, and $522,000,000 for fiscal year 1989 to carry out".

APPLICATIONS AND REQUIREMENTS

SEC. 302. (a) Section 675(c) of the Community Services Block Grant Act (42 U.S.C. 9904(c)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i)—

(i) by striking out ", for fiscal year 1982 only,",

(ii) by striking out "90 percent" and inserting in lieu thereof "85 percent", and

(iii) by striking out "clause (1)" and inserting in lieu thereof "paragraph (1)", and

(B) in clause (ii)—

(i) by striking out ", for fiscal year 1983 and for each subsequent fiscal year, not less than 90 per centum of" and inserting in lieu thereof "that portion of the",

(ii) by inserting "which remains after carrying out clause (i)" after "section 674",

(iii) by striking out "clause (1)" and inserting in lieu thereof "paragraph (1)", and

(iv) by striking out "clause (3)" and inserting in lieu thereof "paragraph (3)",

(2) in paragraph (5)—

(A) by striking out "or the energy" and inserting in lieu thereof "the energy", and

(B) by inserting ", or the Temporary Emergency Food Assistance Act of 1983" before the semicolon, and

(3) by striking out the last sentence.

(b) Section 675 of the Community Services Block Grant Act (42 U.S.C. 9904) is amended by adding at the end thereof the following new subsections:

"(i) Whenever the State determines that a political subdivision of the State or a combination of political subdivisions within the State are not included in the designated geographic service area of an eligible entity, the State may use funds described in subsection (c)(2)(A)(ii) through an existing eligible entity to provide services under this subtitle in such subdivision or combination of such subdivisions. If it is not feasible to use an eligible entity for such purpose, then such State may establish a community action agency of the type specified, and in the manner provided, in section 210 of the Economic Opportunity Act of 1964, as in effect on August 12, 1981, to provide such services in such subdivision or combination of subdivisions.

"(j) The Secretary may waive for any State, upon application, the limitations of subsection (c)(2)(A)(ii) relating to eligibility to receive grants, if—

"(1) such State obtained a waiver of the limitations of section 138 of the Act of October 2, 1982 (Public Law 97-276; 96 Stat. 1198), relating to eligibility to receive funds appropriated for fiscal year 1983; and

"(2) such State submits, before the fiscal year for which a waiver is requested under this subsection, an application specifying the uses to be made by political subdivisions of such State of assistance received under this subchapter.

"(k)(1) For purposes of determining compliance with this subchapter the Secretary shall conduct, in several States in each fiscal year, evaluations of the uses made of funds received under this subchapter by such States.

"(2) The results of such evaluations shall be submitted annually to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on Labor and Human Resources of the Senate.".

ADMINISTRATION

SEC. 303. (a) Section 676(a) of the Community Services Block Grant Act (42 U.S.C. 9905(a)) is amended by inserting "who shall be appointed by the President by and with the advice and consent of the Senate" before the period at the end thereof.

(b) Section 676(b) of the Community Services Block Grant Act (42 U.S.C. 9905(b)) is amended by striking out "his functions" and inserting in lieu thereof "the functions of the Secretary".

WITHHOLDING

SEC. 304. (a) Section 679(b) of the Community Services Block Grant Act (42 U.S.C. 9908(b)) is amended—

(1) in paragraph (2) by striking out "he" and inserting in lieu thereof "the Secretary", and

(2) in paragraph (3) by striking out "may" and inserting in lieu thereof "shall".

(b) Section 679 of the Community Services Block Grant Act (42 U.S.C. 9908) is amended by striking out subsection (d).

DISCRETIONARY AUTHORITY OF SECRETARY

SEC. 305. Section 681(a) of the Community Services Block Grant Act (42 U.S.C. 9910(a)) is amended—

(1) by striking out "is authorized" and inserting in lieu thereof "shall",

(2) in subsection (2) subparagraph (E) by striking out "and" at the end thereof,

(3) by redesignating subparagraph (F) as subparagraph (G), and

(4) by inserting after subparagraph (E) the following new subparagraph:

"(F) a program of the type described in section 222(a)(2) of the Economic Opportunity Act of 1964, as in effect on August 12, 1981, to be known as 'Senior Opportunities and Services'; and".

COMMUNITY FOOD AND NUTRITION PROGRAM

SEC. 306. The Community Services Block Grant Act (42 U.S.C. 9001 et seq.) is amended by inserting after section 681 the following new section:

"COMMUNITY FOOD AND NUTRITION

"SEC. 681A. (a) The Secretary shall, through grants to public and private, nonprofit agencies, provide for community-based, local, and statewide programs—

"(1) to identify food and nutritional needs of low-income populations, especially high-risk infants and children;

"(2) to assist low-income communities to identify potential sponsors of children nutrition programs and to initiate new programs in underserved or unserved areas;

"(3) to coordinate existing private and public food assistance resources to better serve low-income populations; and

"(4) to increase public awareness of hunger and develop strategies to minimize dependence on emergency food assistance.

"(b) There are authorized to be appropriated $5,000,000 for the fiscal year 1985 and $5,000,000 for each of the four succeeding fiscal years to carry out this section, except that some funds shall be expended for programs for each of the purposes specified in paragraphs (1) through (4) of subsection (a).".

AUTHORIZATION OF APPROPRIATIONS

SEC. 307. Section 683(b) of the Community Services Block Grant Act (42 U.S.C. 9912) is amended by striking out "1982, 1983, and 1984" and inserting in lieu thereof "1984, 1985, 1986, 1987, 1988, and 1989".

TITLE IV—NATIVE AMERICAN PROGRAMS

SHORT TITLE

SEC. 401. This title may be cited as the "Native American Programs Act Amendments of 1983".

DISTRIBUTION OF FINANCIAL ASSISTANCE

SEC. 402. (a) Section 803(a) of the Native American Programs Act of 1974 (42 U.S.C. 2991b) is amended by adding at the end thereof the following: "Every determination made with respect to a request for financial assistance under this section shall be made without regard to whether the agency making such request serves, or the project to be assisted is for the benefit of, Indians who are not members of a federally recognized tribe. To the greatest extent practicable, the Secretary shall ensure that each project to be assisted under this title is consistent with the priorities established by the agency which receives such assistance.".

(b) Section 803(c) of the Native American Programs Act of 1974 (42 U.S.C. 2991b(c)) is amended—

(1) by inserting "(1)" after "(c)", and

(2) by adding at the end thereof the following new paragraph:

"(2) No project may be disapproved for assistance under this title solely because the agency requesting such assistance is an Indian organization in a nonreservation area or serves Indians in a nonreservation area.".

ADMINISTRATION OF PROGRAMS

SEC. 403. Section 812 of the Native American Programs Act of 1974 (42 U.S.C. 2992b) is amended to read as follows:

"ADMINISTRATION; DELEGATION OF AUTHORITY

"SEC. 812. (a)(1) The general administration of the programs authorized in this Act shall remain within the Department of Health and Human Services and, notwithstanding any authority under any other law, may not be transferred outside of such Department.

"(2) The Secretary shall continue to administer grants under section 803 through the Administration for Native Americans. The Commissioner of such Administration may not delegate outside of the Administration the functions, powers, and duties of the Commissioner to carry out such section.

"(b)(1) Except as provided in subsection (a)(2), the Secretary may delegate only to the heads of agencies within the Department of Health and Human Services any of the functions, powers, and duties of the Secretary under this title and may authorize the redelegation only within such Department of such functions, powers, and duties by the heads of such agencies.

"(2) Funds appropriated to carry out this title, other than section 803, may be transferred between such agencies if such funds are used for the purposes for which they are authorized and appropriated.

"(c) Nothing in this section shall be construed to prohibit interagency funding agreements made between the Administration for Native Americans and other agencies of the Federal Government for the development and implementation of specific grants or projects.".

DEFINITIONS

SEC. 404. Section 813 of the Native American Programs Act of 1974 (42 U.S.C. 2992c) is amended—

(1) in paragraph (3) by striking out the period and inserting in lieu thereof "; and", and

(2) by adding at the end thereof the following new paragraph:

"(4) 'Secretary' means the Secretary of Health and Human Services.".

EXPENDITURE OF AVAILABLE FUNDS

SEC. 405. Section 814 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) by striking out "1981" and inserting in lieu thereof "1987",

(2) by inserting "(a)" after "SEC. 814.", and

(3) by adding at the end thereof the following new subsection:

"(b) Not less than 90 per centum of the funds made available to carry out the provisions of this title for a fiscal year shall be expended to carry out section 803(a) for such fiscal year.".

TITLE V—EFFECTIVE DATE

EFFECTIVE DATE

SEC. 501. This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act or October 1, 1984, whichever occurs later.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Kentucky (Mr. PERKINS) will be recognized for 20 minutes and the gentleman from Wisconsin (Mr. PETRI) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, H.R. 5145 extends for 5 years several programs of proven merit which are aimed at helping the least advantaged of our citizens. These programs have been carefully scrutinized by the Committee on Education and Labor, and the bill incorporates amendments proposed by both Democratic and Republican members of the committee.

The Head Start program would be extended for 5 years with an increase in the authorization of appropriations only sufficient to maintain the current services for that program. There is probably no more useful Federal program than this one which is aimed at helping poor children before they enter first grade. Head Start is currently funded at about $1 billion and this authorization would increase it to $1.3 billion in 1989.

The Follow Through program was meant to complement the Head Start program by providing extra assistance for poor children through their first 3 years of school. H.R. 5145 would extend this program for 5 years. If we do not enact this extension, the Follow Through program will be phased out this year as a result of Gramm-Latta.

The community services block grant would also be extended for 5 years. That program is currently funded at $352 million. This block grant was created in 1981 as a result of Gramm-Latta and is supposed to continue many of the services previously funded through the Economic Opportunity Act.

The Native American program was also created by the Economic Opportunity Act. This program would also be extended for 5 years.

H.R. 5145 also creates a modest new program dealing with improving information on child care services. With so many working mothers nowadays we must do whatever we can to assist them in finding the best day care programs for their children.

Let me emphasize that all of these programs, with the exception of this new child care information program, have been in operation for years and are recognized as being of provep merit. All we are doing in this bill is "fine tuning" these programs.

Some Members are concerned that we are bringing this bill under suspension of the rules. Ordinarily I would be pleased to seek a regular rule and have this bill fully debated and amended because I know that there is such strong support for it.

But let me remind my colleagues that we are well past the midway point in our session this year. We have already been in session 62 days and only have about 50 days left. In those 50 days we will have to do 11 appropriation bills, the immigration bill, the bankruptcy bill, and many other bills. I am afraid that if we do not pass this bill today we may not be able to get the time on the floor that we need to enact it. And, I would hate to see all these programs put under a continuing resolution which will lead to so much confusion in their administration.

Mr. Speaker, let me go into some more detail on this bill. We are here today to consider H.R. 5145 the Human Services Amendments of 1984. This bill authorizes appropriations for Head Start, Follow Through, the Community Services Block Grant, Child Care Information and Referral Act, and the Native Americans Program Act.

Title I of the bill reauthorizes the Head Start program for 5 additional years at $1,111,000,000 for fiscal year 1985; $1,167,000,000 for fiscal year 1986; $1,225,000,000 for fiscal year 1987; $1,286,000,000 for fiscal year 1988; and $1,350,000,000 for fiscal year 1989. Congress has currently appropriated approximately $1 billion for the Head Start program. These authorization levels merely allow for increases which will maintain the program at current service levels. Head Start has long been regarded as an effective program which provides educational, medical, and nutritional services to children ages 3 to 5 whose economic circumstances put them at an academic disadvantage. Numerous studies have shown that since this program began under the Economic Opportunity Act of 1965, we have made great strides in providing children with equal educational opportunity. These children now perform as well as their peers when they begin school. This means fewer grade retentions, fewer special education placements, lower absenteeism. It also means a rate of return on the dollar invested second only to medical school, according to the Perry preschool project's study of low-income children and their educational gains.

H.R. 5145 would continue to make improvements on this program in several ways. The bill requires that funding for training and technical assistance be maintained at no less than the fiscal year 1982 level; prohibits the use of Head Start funds in any combined discretionary fund; insures that all designated projects meet program and fiscal requirements; makes explicit the authority for Head Start programs to provide more than 1 year of Head Start services to children age 3 to the age of compulsory school attendance; and requires the continuation of child development associate training and resource access projects.

Title II of H.R. 5145 reauthorizes the Follow Through program for 5 additional years at $22,150,000 for fiscal year 1984; $23,000,000 for fiscal year 1985; $24,150,000 for fiscal year 1986; $25,350,000 for fiscal year 1987; $25,625,000 for fiscal year 1988, and $27,000,000 for fiscal year 1989. Follow Through is a federally sponsored education program which provides very high quality classroom instruction and services to disadvantaged children, like the Head Start program, as those children enter school.

H.R. 5145 would clarify the purpose of research and demonstration projects under the Follow Through program and would require that they be completed. The bill would also provide for a new comprehensive evaluation of Follow Through programs in regard to how effective these programs have been in narrowing the gap in successful educational performance between children from low-income families and children from non-low-income families.

Title II of H.R. 5145 would also establish the Child Care Information and Referral Services Act with the purpose of awarding grants and contracts to make efficient utilization of already existing child care services by creating models for centralized systems which would link families in need of child care with appropriate child care providers. This act would also serve to document the availability of and demand for child care providers at the local level and improve the quality and number of child care providers by gathering data which reflects local needs.

This act will be administered by the Secretary of Health and Human Services through the Administration for Children, Youth, and Families. There is authorized to be appropriated for this act $8,000,000 for fiscal year 1985; $8,400,000 for fiscal year 1986; $8,825,000 for fiscal year 1987; $9,275,000 for fiscal year 1988; and $9,725,000 for fiscal year 1989.

Third, title III under H.R. 5145 reauthorizes the community services block grant for 5 additional years at $409,000,000 for fiscal year 1984; $429,000,000 for fiscal year 1985; $451,000,000 for fiscal year 1986; $473,500,000 for fiscal year 1987; $497,000,000 for fiscal year 1988; and $522,000,000 for fiscal year 1989.

The community services block grant is the only specific Federal program designed as its primary focus to alleviate poverty. Community Action agencies under this program have, for 20 years served and supported rural and urban poor individuals. Local and

State initiatives under this program have aimed at getting people off welfare and into productive work.

H.R. 5145 would make several changes to this important program. The bill restores the senior opportunities and services program under the discretionary section of the act; restores the community food and nutrition program with a modest authorization level of $5,000,000 for fiscal years 1985 through 1989; maintains the existing laws for State waivers for those States in which 45 percent of their counties did not have Community Action agencies; and modifies the existing passthrough to Community Action agencies by reducing the required amount from 90 percent to 85 percent and requires the States to use a portion of the remaining funds whenever the State expands the service area of a Community Action agency to cover an unserved area within the State or to establish a new Community Action agency.

Finally, H.R. 5145 under title IV, amends title VIII of the Economic Opportunity Act of 1964, the Native American Program Act of 1964. The purpose of this title is to promote the goal of economic and social self-sufficiency for American Indians, Hawaiian natives, and Alaskan Natives through financial assistance, training and technical, and research demonstration and evaluation activities.

H.R. 5145 first of all would indefinitely extend the prohibition on the transfer of title VIII programs to agencies outside HHS. Second, the bill reaffirms the title VIII requirement that Native American programs are available to all types of Indian and Native American organizations eligible for assistance and that no potential grantee could be denied assistance solely on the basis of its status with respect to Federal recognition. Third, the bill requires that at least 90 percent of the available funds be used to support the development efforts and service programs of grantees directly with local Indians and Native American communities.

Mr. Speaker, these programs are important to thousands of children and adults throughout our country, most of whom are low income. It is imperative that we move swiftly here today to reauthorize these programs in order that individuals can continue to receive these much needed services. I strongly urge my colleagues on both sides of the aisle to vote for H.R. 5145.

□ 1250

Mr. Speaker, I would hope that everybody would vote for H.R. 5145. The chairman of the subcommittee that marked up this bill is over in France at the beachhead over there for a celebration that will take place in the next day or two. That is the reason that I am managing the bill on the floor.

I think you all know that IKE ANDREWS is not an individual that believes in throwing away one penny any time. It is my hope that everybody will support this legislation.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, I rise in opposition to suspending the rules of this body for the consideration of H.R. 5145, the Human Services Amendments of 1984. The bill calls for 5-year reauthorizations of the Head Start, Follow Through, Community Services block grant and native Americans programs. H.R. 5145 also establishes a child care information and referral services grant program.

The objections that I have at this time, Mr. Speaker, are not directed toward the merits of those provisions which extend and make important changes in the popular and successful Head Start program. Nor do I wish to debate the pros and cons of those titles of the bill that would extend and increase the authorizations of appropriations for the Follow Through, Community Services Block Grant and Native Americans Act programs. Similarly, I do not, at this time, choose to discuss the features of the proposed new child care information and referral services grant program. In short, Mr. Speaker, the objections that I am raising today are not substantive but procedural in nature.

Generally speaking, reauthorization measures are the primary legislative vehicles for establishing overall policy direction. In the case at hand, we are, in effect, establishing the legislative parameters for five diverse social service programs through fiscal year 1989.

Moreover, we are committing ourselves to the investment of over $7 billion in Federal funds to provide the various services that are afforded through these programs to a host of vulnerable groups within our society.

Mr. Speaker, I find it most regrettable that the Democratic leadership has acquiesced and waived its own Democratic Caucus rule 38(B) and, in so doing, agreed to a major social services bill being considered under suspension of the rules—with debate limited to a total of 40 minutes. A quick nose count indicates that only a handful of our colleagues are present to participate in debate. More important than the limited time that can be devoted to, and the very few Members present for debate of the issues involved, is the fact that no Member of this House will have an opportunity to offer amendments to change the administration of, or the range or quality of benefits afforded to the hundreds of thousands of individuals participating in the various programs being reauthorized. In my judgment, Mr. Speaker, consideration of H.R. 5145 under the suspension procedure renders a disservice not only to program participants, and the taxpayers of this Nation whose tax dollars—in excess of $7.2 billion of these tax dollars are being earmarked in this legislation—but also to each and every Member on both sides of the aisle.

Traditionally we have reserved the Suspension Calendar for the consideration of noncontroversial measures that commit no more than $100 million of Federal funds in any given fiscal year. That is as it should be. The argument that the remaining legislative days are few is less than a compelling one justifying the waiving of a rule that makes good procedural sense.

In closing, Mr. Speaker, I urge my colleagues on both sides of the aisle who object to making a mockery of the rules of this body and a farce of the legislative process in which we have been entrusted to participate to join me in voting against suspending the House rules for consideration of H.R. 5145.

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the gentleman from Montana (Mr. WILLIAMS).

Mr. WILLIAMS of Montana. I thank the gentleman for yielding me this time.

Mr. Speaker, the policy, the procedure under which we bring this bill to the floor is, admittedly, somewhat unusual, but these past 3 years have seen unusual times for those for whom this bill is designed. Unusually difficult times. If we are to continue to assist those people that have been so battered by the last recession, we need to move now. This may be the last chance that this Congress has to reauthorize the legislation that these people so desperately need.

This bill will continue the efforts of the Follow Through program. This year, more than 30,000 children will be served by that program, and as my colleagues know, and as the parents of those children know, it is follow-through that assures that the success of Head Start continues.

This bill may be the last chance that this Congress has to include an important component which promotes the efficient linking of child care services to families in need of these services. The Child Care Information and Referral Act, as originally introduced by Representative MIKULSKI, will assist those families who depend upon child care for their economic survival.

This bill may be the last chance that this Congress has to pass the Community Services block grant reauthorization and maintain this country's commitment to its 35 million poor people. It may be the last chance that the Indian people have to see the reauthorization of the Administration of Native Americans Act.

Finally, it may be the last chance that this Congress has to reauthorize the Head Start program. My colleagues on both sides of the aisle understand the importance of Head Start, that Federal initiative which serves more than 425,000 American children.

□ 1300

The comparison between those children who attend Head Start and those who do not tell the story. Head Start children have higher achievement in school, are less likely to fail a grade, less likely to drop out of school, less likely to require special education.

And yet, my friends, only 18 percent of all the American children eligible for Head Start are included in this program. But this Congress ought not turn them down, and this bill may be the last chance we have in this Congress to help those Head Start children.

Mr. Speaker, I reserve for the chairman the balance of my time.

The SPEAKER pro tempore. The gentleman from Montana yields back 2 minutes.

Mr. PETRI. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. I thank the gentleman for yielding this time to me.

Mr. Speaker, let me just say that the two speakers on the other side of the aisle have said time is short and we really do not have time, it is getting near the end of this session, the other speakers saying this may be the last chance to pass these programs.

I find it so difficult to believe that they could stand on this floor of this Congress that has lurched along from one recess to the next, working sometimes 3 days a week, to say that we just do not have time to follow the legislative procedures that are the proper procedures to follow.

I cannot remember the last time we worked on a Monday or a Friday in this House. I cannot remember ever being in a Congress that has done so little and has devoted so little time to the legislative process. This is not a matter of us being jammed with work. How can they stand on this floor and tell us we do not have time and then we probably will not be working all of this week. We had no votes yesterday, no votes today. Members are not even in town. Last week we worked 3 days. The week before I do not think that we worked more than 2.

It is just difficult to believe that they can say that.

Mr. PERKINS. Mr. Speaker, I yield myself 1½ minutes.

I want to congratulate our distinguished colleague from Illinois for a wonderful political speech. As I understand the situation, the leader on the other side of the Senate wants to get out of here by July 1 and not come back at all.

Let me say to the distinguished gentleman that we are way ahead—way ahead—of the other body and I do not know where the House has been derelict. We worked here last week until 11 o'clock, 11:30 p.m. It is true enough we have gone home on Fridays as a general rule, and I would think the gentleman from Kentucky and the gentleman from Illinois both have participated in those trips home and have enjoyed them, working with their constituents, and so forth.

So I do not see where we are dilatory around here. We well know with this rush, getting near the end of the session, that we are not going to get a lot of these programs reauthorized unless we put them under suspension.

Here we have programs that are not controversial.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding.

Mr. Speaker, let me ask the gentleman, Did he inquire of the Speaker if he could find an hour in our busy schedule to debate this bill?

Mr. PERKINS. It is my information that we have already made an inquiry through the majority leader's office, and we could not get any absolute assurance that these programs would come up under an open rule at all. So time is of the essence here, and these programs are so familiar there should not be any objection to a suspension.

Mr. PETRI. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WALKER.)

Mr. WALKER. I thank the gentleman for yielding this time to me.

Mr. Speaker, I found this discussion most fascinating, given the fact that on many, many days this year not only have we not been in session, but on many days we have been in session we have completed our business by 1 or 2 o'clock in the afternoon. I think I can safely predict that this afternoon we will probably complete our business by midafternoon.

It seems to me that when we are spending over $8 billion, $3½ billion over the President's budget, that we might be able to schedule an hour of general debate later on in this particular day and then allow us to have the regular amendment process go forward. I think most of us would be perfectly willing to debate this bill under the regular procedures of the House later on today, rather than have it come up under this kind of procedure.

This procedure is precisely why the American people are asking, "Where do the big spenders come from?" Well, here is an example of where the big spenders come from. They come from this kind of procedure that brings bills onto the floor that do not permit any kind of amendments, that do not permit us to act as the House would normally act on legislation.

Here is an $8 billion bill, $3½ billion over the President's budget, and the President's budget is constantly criticized on this floor as being $175 billion out of balance. I would say to this House that if you want to know where the big spenders are, the big spenders are out here on the floor bringing legislation to us in this kind of a manner.

I suggest that there are many programs in this bill that many of us would like to vote for, but we do not want to vote for them in a wholly irresponsible way that allows 20 minutes of debate on $8 billion worth of spending on each side of the aisle. That is wrong. The Members of Congress know that it is wrong.

I am sorry the majority leader refuses to guarantee the scheduling of this bill at an appropriate point during the session. I would suggest that we could have scheduled it later on today.

Mr. WILLIAMS of Montana. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be very glad to yield to the gentleman from Montana.

Mr. WILLIAMS of Montana. I thank the gentleman for yielding.

Mr. Speaker, the gentleman makes a good point. The gentleman wishes we had an hour of debate. The point is that we have 40 minutes, so the gentleman wants 20 more minutes. The gentleman's side has already spent 10 minutes arguing about the merits of the policy when you really want to debate the merits of the bill. You should debate it.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania (Mr. WALKER) has expired.

Mr. PETRI. Mr. Speaker, I yield 1 additional minute to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding this additional time to me.

Mr. Speaker, I would simply say to the gentleman from Montana that it is not just the additional 20 minutes, as the gentleman knows. The gentleman also knows that during the regular procedures of the House we would be allowed to offer amendments. In some of the areas where we think that the spending of your authorizing committee has gone way out of line, where you have added on $3½ billion to the administration's request, it would give us the opportunity to offer amendments, responsible amendments, that would preserve good programs but yet would do something to cut back on the spending that the American people demand that we deal with.

The American people, in all honesty, are disgusted with $200 billion deficits. The gentleman from Montana knows

that. The gentlemen on the other side of the aisle know that. They constantly talk about it on the floor.

The only way we have a chance to deal with those kinds of issues is to bring them to this floor and deal with them in a responsible amendment process. With this kind of action, with this kind of suspension of the rules, we are precluding that amendment process and thereby, it seems to me, precluding fiscal responsibility.

Mr. PERKINS. Mr. Speaker, I yield 30 seconds to the gentleman from Montana (Mr. WILLIAMS).

Mr. WILLIAMS of Montana. I thank the gentleman for yielding this time to me.

Mr. Speaker, I simply would not want to leave the misimpression that this bill is over the House-passed budget because it certainly is not. It is, of course, over the President's budget, but then, both Republicans and Democrats in both the Senate and the House have overwhelmingly rejected the President's budget because he attempts to cut spending on the backs of the poor and the lower middle income people, and no one, I hope, on either side of the aisle wants to do that.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume

Mr. Speaker, as the ranking Republican member of the subcommittee having jurisdiction over this bill, I rise to oppose passing H.R. 5145 under suspension of the rules. This bill is simply too costly, complex, and controversial to consider under a gag rule that limits full debate and, more importantly, precludes any amendments.

Let me begin by saying that I do not oppose everything in this measure. Quite to the contrary, I enthusiastically support reauthorization of the Head Start program provided by H.R. 5145 and recognize much merit in other components of this omnibus human services legislation. That is why I believe that this bill should not now be considered under suspension. This body should have the opportunity to separate the wheat from the chaff in this legislation rather than simply be forced to vote the entire package up or down.

Three major concerns force me to recommend against suspending the House rules for consideration of H.R. 5145. Those concerns can be summarized as three C's—cost, complexity, and controversy:

First, cost: This bill authorizes appropriations of some $8 billion. As you know, the Democratic Caucus rules limit consideration under suspension to bills authorizing appropriations of $100 million or less. The measure now under consideration, therefore, exceeds this limit over eightyfold—you heard that right—by over 8,000 percent.

Now there is an obvious purpose for the $100 million limit that reaches to the heart of our duty as Members of Congress. We are entrusted with spending our constituents' tax dollars. That is a heavy responsibility. This major appropriation of public funds deserves closer scrutiny than is permitted here today. Let us defeat the motion to suspend and bring this bill back under an open rule.

Second, complexity: H.R. 5145 contains a wide variety of components. It reauthorizes and amends four different programs—community services block grants, Head Start, Follow Through, and the Native Americans Act. In addition, it creates a new child care information and referral services program. These programs deserve separate consideration through the amendment process. We cannot even properly discuss them in the few minutes afforded for debate today.

Beyond the sheer cost and complexity of this bill, H.R. 5145 contains many controversial features that merit full debate by this body through the consideration of amendments. Perhaps the most glaring such feature is its early reauthorization of the Community Services Block Grant Act. Since the Omnibus Reconciliation Act of 1981 authorized funding for the CSBG Act through September of 1986, no action need take place for 2 years to continue that program.

The volume of business the Human Resources Subcommittee had to deal with during this session, including the reauthorization of six major acts and the consideration of several important new proposals, did not permit a meaningful review of the CSBG program. In fact, only one subcommittee witness provided testimony on the issue of early reauthorization. I would like to offer an amendment to H.R. 5145 to avoid the premature reauthorization of the CSBG program so that my subcommittee and the Congress can conduct a more detailed review of this one-half billion dollar program. Unfortunately, the procedures used here today foreclose such an amendment.

My colleagues may discuss other controversial features in this bill that at least merit extended debate and the opportunity for amendment. Even if those amendments are defeated, we owe it to our constituents to consider them. I urge you to vote against suspending the House rules for passing H.R. 5145. I look forward to addressing the various components of this bill on their individual merits under an open rule later this month.

□ 1310

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 5145, the Human Services Amendments of 1984, which would extend the Head Start program, the Follow Through program, the community services block grant, and the Native American Programs Act for 5 years, and authorize the Child Care Information and Referral Services Act for 5 years.

The Head Start program has been an extremely effective program of early intervention which works with educationally at-risk children to prepare them for entry into the school system. Studies have shown that children of low-income backgrounds which participate in these programs do substantially better in school, and remain in school longer than their peers which have not enrolled in Head Start.

This year Puerto Rico will receive more than $37 million for the Head Start program, of which $9.5 million will be spent on centers in the San Juan area. In addition to programs run through the San Juan Department of Family Services, the Puerto Rico Office for Human Development supports 22 delegate agencies around the Island which serve over 11,000 children.

Mr. Speaker, I would also like to mention that Puerto Rico is proud to be the site for the 1985 National Head Start Conference, to be held in San Juan from April 25 to May 1, 1985.

The Follow Through concept is a strong, comprehensive child development system which effectively maintains and builds upon the gains that children from low-income families have made in Head Start and other quality preschool programs. Although relatively small in monetary terms, Follow Through provides access to innovative curriculum models which annually impact on more than 410,000 disadvantaged children. The network of local program, sponsor, and resource center works as a team to provide quality services to children, to demonstrate and disseminate effective practices, and to provide technical assistance to communities with educational practices.

Both Head Start and Follow Through have proven to effectively use Federal dollars to improve the opportunity for education for children from disadvantaged backgrounds, and as such deserve to be continued as a cornerstone in our war against poverty.

Mr. Speaker, I am also pleased to support the extension of the community services block grant program, which although limited in size has been a vital mechanism for improving life in low-income communities. In Puerto Rico, each community to be served determines priorities for use of these funds, and thereby succeeds in shifting funding to the most needy segments of our population.

I would like to commend my colleague IKE ANDREWS for his leadership role in developing this legislation, and as a cosponsor of the measure, urge my colleagues to vote in support of passage.

Mr. Speaker, I would like to respond briefly to a few of the comments that have been made against this bill under suspension.

First, the bill is neither costly nor controversial. In literally every case annual increases have been held only to about 5 percent over the previous year to allow for inflation and give Congress the option of maintaining this important program at the current level of service. It is difficult to understand how anybody can refer to this measure as controversial.

As a matter of fact, H.R. 5145 is a companion bill to the Senate committee bill, S. 2374, introduced earlier this year by the Senator from Vermont. That, too, contained a 5-year reauthorization and provided even more funds for the Head Start program.

If anything, H.R. 5145 should be viewed as a responsible measure of cost efficiency. While the $7 billion amount referred to around here appears to be a great deal of money, no mention was made of the fact that $6.2 billion of those $7 billion is for the Head Start program alone, and those expenditures are surely not controversial. Even the administration supports those expenditures, and H.R. 5145 only seeks to protect the Head Start program through rather modest amendments, most of which were contained in the Senate bill, S. 2374.

So what is controversial about this? Some say controversial measures are included in public programs, but we do not see that any controversy has been added. H.R. 5145 makes only modest amendments to Head Start, amendments to maintain current performance standards, amendments to maintain training funds for Head Start teachers, and amendments to clarify the program which should continue to be community-based. If that is controversial to anybody, then I am frightened for what they have in mind for Head Start.

In each instance the committee bill simply seeks to maintain the status quo. The point is made that H.R. 5145 is over the limit for bills being considered under suspension. That is true, but a waiver was sought and approved due to the general acceptance of these programs. That is what the waiver provisions are for, and they were used properly in this case.

Umbrage should be taken at any suggestion that a vote for this committee bill is in any sense a mockery of the legislative process. The practice of suspending the rules was always meant to be a means to expedite noncontested measures. That is precisely what we are doing under the Suspension Calendar this year, to expedite in a session that may be shorter, expedite the consideration of this legislation that has substantial support all over the Nation from both sides of the aisle.

The reauthorization of Head Start is noncontested. No one that I have heard has voiced public objections. The only objections to reauthorizing the community services block grant have been that it has been too early, but that is hardly a substantive objection. It was considered at hearings, and it was the consensus of most of the witnesses that it should be continued together. The Head Start community is strongly in favor since nearly two-thirds of local Head Start programs are sponsored by block-grant-supported agencies, and there was support for this.

So we have an important public program for poor children and their families which has been almost unanimously supported for the good that it does. Its biggest drawback has been that it was not capable of reaching more children and would carry enough authorization for only one of five eligible children that can be served.

So, Mr. Speaker, I finalize by saying that in a program that has done so much good for millions of poor children over the country, including many poor children in Puerto Rico and in the city of San Juan, where I have visited many of these Head Start centers and we can see what has been done for them in education and nutrition, giving them a real head start into education and schooling, I hope that by procedural objections we will not delay the consideration of this important legislation. Everybody supports it, and we can get it out of the way soon and pass it over for the other body to consider and not waste our time any longer in passing this bill. And, Mr. Speaker, I hope that it will have the support of all the Members of the House when it is voted on tomorrow.

The SPEAKER pro tempore. The time of the gentleman from Puerto Rico (Mr. CORRADA) has expired.

The gentleman from Wisconsin (Mr. PETRI) has 6 minutes remaining, and the gentleman from Kentucky (Mr. PERKINS) has 5 minutes remaining.

The Chair now recognizes the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I yield 3 minutes to the gentleman from the neighboring State of Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, we are considering H.R. 5145, the Human Services Amendments of 1984.

This is not a field in which I am expert, and I take the floor with some reluctance, but with gratitude to the gentleman from Wisconsin. The reason that I do so is not to discuss the substantive nature of the bill except in a very general way, but to make again a protest, which has proved to be frustrating and futile in the past, about the abuse of House procedures that we are being subjected to today.

We thought that there was an agreement that we would only take minor bills under suspension. It has been referred to often today that the Democratic Caucus has a rule saying that bills that exceed $100 million, which is a pretty loose rule, in my judgment, will not be put on the suspension calendar, and yet here we have a bill nearly $9 billion in scope over 5 years, which runs considerably ahead of the budget and which contains two new programs which I have heard very little mention of on this floor today and about which I suspect very few Members know a great deal.

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This bill is brought to us simply because its centerpiece, and Head Start program, is one that is popular everywhere around the United States. All of us would like to vote. In my district, I know it is a good program, but we have wrapped it in adornments which probably could not be passed by themselves and the fact that it is very well being treated to what I consider to be an abuse of our rules.

I think the committee can do a better job. I think it can bring out these bills on their own merits.

My best judgment tells me that the committee is going to have a chance to do it, because I suspect this bill is not going to get the necessary two-thirds and if, in fact, it does fail, I also suspect that the Speaker will be able to find those hours we were talking about that we need to debate.

It is not just the time, Mr. Speaker. It is the need to test these programs and these proposals through the debate process, which is the heart and soul of the action of this legislative arena. Any time you bring out a bill under a rule that prohibits any amendment—any amendment, not friendly amendments, not unfriendly amendments, not improving amendments, not detracting amendments—any time you do that, you have an abuse of the process and you have a bill that has not been tested in the process.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. PETRI. Mr. Speaker, I yield 2 additional minutes to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for his generous allocation of time.

Any time you prohibit the amendment process, you are probably going to bring out a bill which the members of this committee and the Members of this House are not going to under-

stand fully. It will not have been tested in the process.

In addition, Mr. Speaker, we have been given 20 minutes on the minority and 20 minutes for the majority to discuss an $8 billion bill. That is not the worst record. We have done worse than that around here. Nevertheless, that is a pretty big piece of meat for this House to be talking about in 20 minutes. Many of our Members are home voting in primaries. A few of our Members are reliving memories 40 years old on the beaches of Normandy. We obviously have an almost empty House to discuss this $8 billion bill.

I regret very much that the distinguished chairman of this committee saw fit to bring the bill out in this way. I regret very much that I am not going to be able to vote for it and I regret very much my suspicions that the bill is going to fail. I think all the elements of this bill deserve better than this House is giving them. I am very sorry that I will have to vote no on this bill.

I yield the balance of my time.

● Mr. FAUNTROY. Mr. Speaker, I rise in support of H.R. 5145, the Human Services Amendments of 1984. This vital legislation would extend the Head Start, Follow Through, and community services block grant programs for 5 additional years. It would also extend the Native Americans Programs Act for 3 years and authorize the Child Care Information and Referral Act through fiscal year 1989.

H.R. 5145 would authorize $1.1 billion in fiscal year 1985, $1.17 billion in fiscal year 1986, $1.23 billion in fiscal year 1987, $1.29 billion in fiscal year 1988, and $1.35 billion in fiscal year 1989 for the Head Start program. This vital legislation, which has proved so valuable to our Nation, would require that the Secretary of Health and Human Services administer this program through the Administration for Children, Youth, and Families in HHS. Most importantly it would require that funding levels for this program be maintained at no less than fiscal year 1982 levels, and would protect the integrity of the program by prohibiting the use of Head Start funds in any combined discretionary fund. Eligibility rules would also be preserved through this legislation.

The Follow Through program would also be continued through this legislation. This complementary program which builds upon the development gains made by economically disadvantaged children who have benefited from programs like Head Start. This bill also provides for a comprehensive evaluation of the Follow Through program in terms of its objectives in narrowing the gap in educational performance between children from economically deprived families and those from non-low-income families. The Follow Through program under this legislation would be provided with an authorization level of $23 million in fiscal year 1985, $24.2 million in fiscal year 1986, $25.4 million in fiscal year 1987, $25.7 million in fiscal year 1988, and $27 million in fiscal year 1989.

H.R. 5145 would also authorize a new child care information and referral services program, under the Department of Health and Human Services. This new program is designed to promote efficient use of available child care resources and would create models for locally based centralized systems, bringing together families needing child care services with those who provide the needed services.

This comprehensive legislation authorizes the community services block grant program and in doing so restores the senior opportunities and services program for low-income elderly citizens. The legislation restores the separate authority for the community food and nutrition program at a level of $5 million for each of the next 5 years.

Finally, this bill amends the Native Americans Programs Act of 1974 continuing the prohibition of the transfer of these programs to agencies outside of the Department of Human Services.

This legislation is vital to the health, education, and well-being of our Nation, its children and its senior citizens. This legislation seeks to meet the basic human needs of our citizens and addresses many of the severe problems confronting many of our citizens.

I urge all of my colleagues to support H.R. 5145, the Human Services Amendments of 1984.●

● Mr. FORD of Michigan. Mr. Speaker, I rise in strong support of H.R. 5145, to Community Services Amendments of 1984. This bill would reauthorize the Head Start, Follow Through, and community services programs for another 5 years, providing for moderate yearly funding increases, and it would establish a program to provide child care information and referral services. The bill authorizes $1.1 billion for Head Start in fiscal year 1985 which would be increased to $1.35 billion by fiscal year 1989. The Follow Through program would similarly expand from $22.2 million authorized in fiscal year 1985 to $27 million by fiscal year 1989. Funding for the community services block grant program would also increase over the next 5 years.

There is conclusive evidence that the only way to eliminate poverty in our country endowed with an abundance of food and other natural resources, is to reach the families living in poverty and offer the new generations an opportunity to effectively compete in an increasingly complex society. Head Start, an experiment begun in the 1960's as a part of President Johnson's War on Poverty, is heralded today as the cornerstone education program for intervening in this syndrome of poverty. Eligible children and their families are provided essential health and social services in addition to the classroom activities, laying an educational foundation for future successes.

In Wayne County, a part of which comprises my congressional district, about 2,000 families are currently serviced directly by the Head Start program, and the lives of at least the same number again are vastly improved through contact with families served by the program. Because of the strong effort and commitment to the program in my district, 410 additional families will receive the Head Start services this year, as a result of their successful competition for further funding. I take great pride in their achievements. I am also sobered by the recognition that there are at least five times as many families who are eligible to receive these services but who cannot participate because of the limited funding.

The Follow Through program is intended to literally "followthrough" on developmental gains made by disadvantaged children in preschool programs like Head Start when those children enter public schools. Between 600 and 700 children are currently served in my district, and again, because of the community's recognition of its value, the program is stretched to encompass 10 percent more children than actually funded for.

The community services block grant program has also proven extremely successful in sponsoring State and local initiatives aimed at promoting economic self-sufficiency through support programs to individuals with low incomes.

Mr. Speaker, children who have been fortunate enough to participate in these programs have demonstrated its success by being less apt to fail a grade or drop out of school. Families who receive services strengthen their ties to the community and their resolve to raise themselves out of poverty. We cannot afford not to pass this important legislation to continue all programs which not only provide a way out of poverty but provide a way to realize individual potential. I urge my colleagues to join me in voting in favor of H.R. 5145.●

● Mr. ANDREWS of North Carolina. Mr. Speaker, I am pleased to speak in favor this morning of H.R. 5145, a bill to extend Head Start, as well as many of the programs authorized by title VI of the Reconciliation Act—the title dealng with human services programs. These programs are well known and enjoy strong bipartisan support—Head Start, Follow Through, the community services block grant, and programs for Native Americans. In addition, H.R. 5145 would provide new authority to develop child care information and referral services in local communi-

ties to assist parents in making optimum use of existing child care resources.

H.R. 5145 borrows rather heavily on the Senate Republican bill of the same title, S. 2374, introduced by Senator STAFFORD, along with a substantial number of other Republican and Democratic Senators. It has been our hope that H.R. 5145 would be viewed as a bipartisan companion bill and we have been pleased to be joined by nearly 70 bipartisan cosponsors.

The programs being reauthorized by H.R. 5145 were once legislatively located in the Economic Opportunity Act of 1964. They all make vital contributions to the well-being of the low incomed and their children. I am most pleased that we can continue to consider them together today as we have traditionally done in the past. They are traditionally and programmatically interrelated. For example, about 60 percent of the Head Start programs are sponsored locally by programs funded through the community services block grant. They all have in common the goal of giving hands-up to those in need rather than hand-outs.

Title I of our bill extends the Head Start program for 5 additional years. This program, as we all know, funds programs throughout the entire country, serving more than 400,000 children from low-income families. It provides a broad range of services including health, nutrition, social, and education services, which help bridge the gap in early childhood development for economically disadvantaged preschoolers.

Title II continues the Follow Through program. While not as large as Head Start, it still makes an important contribution. It is intended to literally, "followthrough" on developmental gains made by disadvantaged children in programs like Head Start when those children enter public schools.

Title III of H.R. 5145 reauthorizes the community services block grant program for 5 additional years. This is the only Federal program with the specific objective of poverty prevention and alleviation as its primary focus. There are surely other block grants, the social services block grant for example, but they do not address the needs addressed by the community services block grant. In the social services block grant legislation, for example, low income is not mentioned among eligibility criteria and the word "poverty" does not appear even one time. Those who suggest duplication can do so only out of a political expediency which is totally unrelated to the needs of the poor.

A new provision establishes the Child Care Information and Referral Services Act as proposed by Congresswoman MIKULSKI in H.R. 2242. The subcommittee held hearings on this bill during the last session and its content is incorporated into H.R. 5145.

H.R. 5145 also continues programs for Native Americans as administered through the Administration for Native Americans. The provisions in the committee bill were incorporated from H.R. 4468, the Native American Programs Act Amendments of 1983, introduced by my college, Congressman PAT WILLIAMS of Montana. This was also a bipartisan bill with 70 cosponsors which passed the committee without amendment before being incorporated into H.R. 5145.

In summary, H.R. 5145 should be noncontroversial and acceptable to all members. It is the companion to a Senate Republican bill upon which our effort is based. It has bipartisan support in the House and has been carefully considered during subcommittee and full committee deliberations. Most importantly, it continues programs which are vitally important to that segment of our Nation most in need and, in every instance, these programs seek to make their recipients more self-sufficient and less dependent on direct Government aid. I strongly urge favorable House consideration.●

● Mrs. VUCANOVICH. Mr. Speaker, today, this body will vote on H.R. 5145, the human services amendments which will reauthorize the Head Start program. I have consistently been a strong supporter of Head Start because I believe it is an extremely effective preschool program for low-income children. Research over the last decade has indicated that Head Start children have done better in school, and as a whole, have maintained their grade level, dropped out of school less, and required less special education programs than those children who have not been enrolled in Head Start. I strongly believe that this program should be continued and extended.

However, Mr. Speaker, H.R. 5145 also reauthorizes two other more costly programs, the Follow Through program and the community services block grant program. The community services block grant program is prematurely reauthorized for 5 years when it has been determined by this Congress to phase out this program within the next 2 years. H.R. 5145 also creates a totally new program, the child care information and referral services program.

I am disturbed that such costly and controversial legislation has been brought up for consideration under the Suspension Calendar. Historically, the Suspension Calendar has been used to expedite noncontested measures. Today, however, H.R. 5145 which authorizes over $7 billion in taxpayer dollars will not be amended to reflect the budget concerns of this House and the American people.

While I strongly support the Head Start program, I believe Members should have the opportunity to debate this bill and offer amendments which would reduce its funding levels. Head Start should not be subject to delays in funding merely because the leadership of this House wants to reauthorize controversial and costly programs without the benefit of a legitimate debate.

I urge my colleagues to defeat H.R. 5145 under suspension so that the bill can be brought to the House floor for debate and amendment.●

● Mr. GAYDOS. Mr. Speaker, 20 years ago, the Congress of the United States, recognizing that many young Americans were too far behind in their ability to learn by the time they started school, created the Head Start program.

This program, a part of America's war on poverty, gave many millions of American children a chance to enter school on a par with other children.

Each year, about 425,000 children take part in Head Start, a program which has enabled those children to reach higher levels of achievement and cut down on drop-out rates. Still, those 425,000 children represent only about 18 percent of those eligible to be involved.

Five years after the passage of Head Start, in 1969, we added the "Follow Through" program to insure that the early successes of Head Start would continue through the early school years—and this program, too, worked.

Today, we are talking about excellence in education. We are talking about the basics in education—reading, math and science.

We are concerned about the failures of our children.

With this bill, H.R. 5145, the Human Services Amendments of 1984, we have an opportunity to put our money where our mouths are.

Excellence in education is not new as an issue. For the past 27 years, America has been trying to define its education system. I am sure we can all remember the flurry in 1957 when the Soviet Union's Sputnik raised questions about America's ability to compete in the conquest of space.

So we concentrated our efforts on math and science.

In 1964, we realized that many children were having reading problems so we created new programs to deal with that. The two major efforts were the Elementary and Secondary Education Act—and Head Start.

In the 1970's, the buzz word was relevance, or what I call the "do-your-own-thing" education system. Everyone was encouraged to study what they believed was important to them, not necessarily what was best for them—or our country.

Today, we are concerned about the basics—reading, math and science.

Well, what could be more basic than the early years of school.

And that is where Head Start and Follow Through play the major role.

Yes, it will cost us something, but how do you put a price on the benefits to be gained? As the saying goes, "A mind is a terrible thing to waste." Can we afford to waste even one mind in our quest for educational excellence?

Who knows, one of those minds could be your child's, or your grandchild's?

America's greatest resource is its people. For more than 300 years, it has been the American people—first as colonists and later as Americans—who have brought this country from a wilderness to the greatest Nation in the world.

We cannot afford to ignore the importance of the opportunity we have by passing this bill. Let no one say we are given to wasting anyone's mind.●

● Mr. JEFFORDS. Mr. Speaker, I rise to add my support for the programs that are reauthorized by H.R. 5145. I must temper my support, however, because of the procedure being used to bring this bill to the floor. While recognizing the time pressure involved in this session of Congress and the necessity of reauthorizing these important programs, I would have preferred that this bill come to the floor with the opportunity for limited debate and amendments. In general, I feel that it is critical that Members have this chance when considering significant pieces of legislation such as H.R. 5145.

Head Start, Follow Through, and the predecessor of the Community Service Block Grant (CSBG) were all begun in the 1960's as part of the War on Poverty. In the State of Vermont, with a poverty rate of over 12 percent, this war is still being waged. The programs authorized in H.R. 5145 provide some of the main weapons being employed to aid our poor people help themselves. Whether it is early education, job training, nutritional assistance, or day care services, the long-range goal of these programs is to make participants and their families less dependent on Government assistance.

Two qualities of these programs make them especially worthy of support. First, the funds that are provided to community organizations and agencies act as catalysts for substantial non-Federal resources. For example, the CSBG allowed the Central Vermont Community Action Council to hire one part-time person to staff the Family Violence Shelter project which has grown to 35 volunteers and 9 residential sites. In fact, in this region of Vermont alone, over $155,000 worth of time, space, supplies, and other goods have been mobilized as a result of the CSBG funding.

The second quality I would like to mention is the flexibility of these programs to meet the unique needs of different localities. The Head Start program in Vermont is a fine example of this. While Head Start programs are usually provided through centers, the rural nature of Vermont favors a home-based approach. Not only does this flexibility allow the program to reach many more of the families in outlying areas of the State, but it also recognizes that parents are the primary educators of their children.

I would like to salute the people of Vermont who have made these programs successful, and encourage my colleagues to vote for this legislation which makes this success possible.●

● Mr. TOWNS. Mr. Speaker, I would like to take this opportunity to extend my support to H.R. 5145, the Human Services Amendment of 1984, which would authorize the Head Start and Follow Through program, the community block program for 5 years and the Native American Programs Act for 3 years.

Since its creation in 1965, the Head Start program has been recognized as one of the Federal Government's most effective social programs. Head start serves more than 425,000 children. Yet, as research indicates, only 18 percent of all economically eligible children can presently be involved. This fact alone stresses the need for the continuation of this vital program.

The Follow Through program, which would be reauthorized serves also a valuable purpose, in that, it is a positive reinforcement to those disadvantaged children who enter the public school system. It literally continues to monitor the progress of those who pass through Head Start.

Language in the bill does not alter the existing structure of Head Start but strengthens the present program and establishes a plan for reorganization. The funding structure prohibits the comingling of Head Start funds, with a combined discretionary fund. This measure further assures the continuation of the programs' effective implementation. The bill also establishes criteria for congressional control over eligibility standards for participation in the program. This, guarantees the involvement of Congress in the decisionmaking process.

These programs serve not only the immediate needs of the working parents in the community, but have long-range effects on the community as a whole, as they benefit and foster community spirit, in their concern for the educational well being of the children. Because of these important attributes, I urge you to act favorably on H.R. 5145. This will permit the Head Start program to continue its most important task, serving the community. H.R. 5145 also establishes a new program for child care information and referral within HHS. Local projects will be able to provide information on the availability of child care.

For all the above reasons, H.R. 5145 desires to be enacted despite the administration's announced opposition to this measure.●

● Mr. WYDEN. Mr. Speaker, I would like to commend Chairman IKE ANDREWS and the members of the House Education and Labor Committee who have worked to put together H.R. 5145, the Human Services Amendments of 1984, which was considered by the House of Representatives yesterday and will be voted on today.

The Head Start program has been extremely important to the residents of my home State of Oregon. The program has provided needed services for disadvantaged preschool age children all across Oregon, and the rest of the country. The educational, medical, and nutritional services provided by Head Start programs will help these children as they enter school and have to compete with other students who are more well off.

Though the Head Start program serves more than 425,000 children in the United States, it reaches only 18 percent of the preschoolers who are eligible. However, unlike some Federal programs we have seen which have grandiose goals when they are conceived, but little payoff at the finish line, the Head Start program has proved that it can go the distance and be enormously successful. The statistics show that disadvantaged youngsters who have had the opportunity to participate in Head Start are more likely to succeed in school than those who have not.

H.R. 5145 would extend this success another 5 years, with 5 percent increases annually to adjust for inflation and allow current services to remain constant. I believe this is a commendable, goal, and I urge my colleagues to support this legislation.●

● Ms. MIKULSKI. Mr. Speaker, I rise today to urge my colleagues to suspend the rules and pass H.R. 5145, the Human Services Amendments of 1984. This bill contains authorization for a child care information and referral services program, which I had originally introduced separately and which is part of the Economic Equity Act.

I am an orginal cosponsor of the Human Services Amendments and I am especially pleased by the inclusion of the Child Care Information and Referral Services Act.

This section establishes a grant program to fund referral services that will link families in need of child care with the already existing services in their area.

This program will accomplish three important goals. It will:

First, assist families in selecting child care appropriate to their specific needs;

Second, document the availability of and demand for child care services at the local level; and

Third, improve the quality and quantity of providers by gathering data on local needs and preferences.

My interest in child care referral services grew out of my knowledge of the excellent work of the Maryland Committee for Children.

The committee operates a service called "Locate." Basically, "Locate" is a child care information and referral service which uses computers to store data on child care providers and to match up parents' needs. It is exactly the kind of grassroots activity that this legislation would help fund.

The need for child care services in this country has been well documented. About 19.5 million children 13 years old and under live in families in which all parents present in the home work. Many of them—6.1 million—are under age 6. In addition, 4.3 million children 13 years old and under, including 1.3 million under age 6, live in one-parent families where the parent works.

This legislation will help these working mothers and fathers locate appropriate child care. The money is not available in existing programs.

Title XX programs are already stretched beyond an acceptable point in funding much needed social service programs and I am sure I do not have to describe for you the difficulty States are facing in meeting their existing budget.

While some clearinghouses have been established, like the one in Maryland, it will take this Federal initiative to assure that these needed services are available in all our States.

Today, and in the future, there will be many working parents, many single parents, and many children who need quality care for all or part of the day. This program will provide that care in the most efficient and productive way.

Although this legislation will not directly increase the supply of child care services, it will directly facilitate the efficient use of the existing supply. Further, it will indirectly encourage the expansion and upgrading of existing services.

This low-cost program, which maximizes efficiency and also encourages private sector expansion, is a much-needed solution to the problems that parents face in finding quality child care and that employers face in assisting their employees in such efforts.

I urge my colleagues to suspend the rules and pass H.R. 5145. Thank you.●

● Mr. MILLER of California. Mr. Speaker, I want to express my enthusiastic support for H.R. 5145, the Human Services Amendment of 1984.

By reauthorizing the Head Start program, this legislation renews our commitment to early childhood education and to a program that has historically enjoyed overwhelming bipartisan support and recognition in the Congress. The new provision of the Head Start reauthorization which guarantees grantees the security of funding from 1 year to the next is an important one. It will allow a Head Start program to serve a child for more than 1 year, insuring continuous quality early education.

The Select Committee on Children, Youth, and Families has heard repeatedly from educators, researchers and parents that Head Start works. Expert research provides the evidence that high quality preschool education for disadvantaged children results in fewer placements in special education, higher academic performance, higher high school completion, lower crime rates, and improved prospects for a better quality of life.

This bill's reauthorization requests are modest given what we know about the long-term cost savings of a preventive strategy. For every dollar invested in high quality preschool programming, such as Head Start, there is a $1 reduction in public special education costs. For every $1 invested, there is a $0.50 reduction in crime costs, a 25-percent reduction in welfare costs, and a $3 increase in lifetime earnings projections. Reauthorization of Head Start, one important component of this legislation, is an investment in the future of our children.

I also call special attention to sections of this legislation which authorize the Child Care Information and Referral Act. The intent of this legislation is to assist families in selecting child care that best meets their needs by establishing locally based centralized systems that link families with available child care resources. Such a system would also facilitate parental education to select the most appropriate child care.

The select committee spent its first year documenting the major concerns of children and families across the country. The need for child care emerged repeatedly in every State and city in which we held hearings. Moreover, it became overwhelmingly clear that child care can serve as a tool to reduce child abuse and juvenile crime, and to facilitate women's entrance into the work force. In response, the select committee has embarked on a major child care initiative for a new national discussion of child care options in the public and private sectors.

At the first hearing of the child care initiative in Washington, a prominent researcher told the committee that little or no national data exists to tell us how and where our children are cared for. This makes it increasingly difficult to plan for new services or establish new child care policies. In addition to linking families with child care services, the Child Care Resources and Referral Act will fill some of the gap by documenting at the local level the availability of and the demand for child care services.

At our first field hearing in Dallas, we learned that a barrier to expanded public/private partnerships in child care is a lack of awareness of need. A child care resource and referral network, which documents the need for additional child care services, is a vital first step for greater involvement by the private sector. This legislation, by establishing a data base, would provide an incentive for expansion of the limited supply of child care services.

The select committee learned about successful child care resource and referral services that not only link families and child care services, but also streamline communication and cooperation between the public and private sectors. City and State governments have established resource and referral services with the intent of promoting such efforts. But these efforts are too few and far between.

This is one low-cost Federal initiative that can maximize efficient use of the limited child care facilities that exist, while indirectly encouraging public and private sector approaches. Support and expansion of child care resource and referral is one important way we can begin to solve the national child care dilemma.

I urge my colleagues to join in support of its passage.●

● Mr. BROWN of California. Mr. Speaker, I rise in support of the Education and Labor Committee's authorization of several important education and social service programs. I commend my colleagues for their work on this legislation, which authorizes Head Start, Follow Through, child care information and referral services, the community services block grant, and the Native American Programs Act. While I endorse all these programs, I must express my special support for provisions which reauthorize and strengthen Head Start.

Head Start is one of the most widely recognized Federal programs for children. Head Start teachers and administrators emphasize direct parental involvement, strong community support, and deep commitment to helping families meet all their needs, whether through Head Start or other community agencies. According to the Children's Defense Fund, "Hundreds of studies conducted on Head Start since 1970 indicate that compared to other low-income children, Head Start children score better on standardized tests; achieve more in school and are less likely to fail a grade, drop out, or require special education classes; and are more likely to receive adequate medical care and to be of normal height and weight, with fewer absences from school due to illness and better performance on physical tests."

Mr. Speaker, with this kind of record, I think Head Start well deserves the 5-percent increase allowed in this legislation. Although some of us may prefer to have more time for debate and more flexibility for amendment, I urge support of this bill. Our Nation's children and families in poverty are depending on us.●

● Mr. MORRISON of Connecticut. Mr. Speaker, today we will be voting on an important bill, H.R. 5145, legislation which will affect over a half million children and continue our commitment to nearly 35 million poor people in this country. It is difficult for me to believe that the majority of my colleagues do not support Head Start, Follow Through and other important programs we are considering today. However, concern over the procedures under which this bill is being considered have dominated the debate and potentially threaten the smooth continuation of these vital programs.

My colleagues should know that passage of H.R. 5145 under suspension of the rules is not only correct but it makes good sense. Every effort was made to insure that H.R. 5145 meets the test for consideration under suspension of the rules. The bill is not a budget buster as some would claim, but sets reasonable limits consistent with the budget which will be subject to further checks on spending through the appropriations process. Waivers to the House caucus rules were sought and granted permitting us to consider this bill even though it exceeds the $100 million limit. And finally, the programs contained in this bill are not controversial and raise no issues of substantive concern. Mr. Speaker, there are only 50 legislative days remaining in this session and those days will be taken up by bills of certain disagreement and lengthy debate. The programs contained in H.R. 5145 deserve our support and should not be caught in the tangle of parliamentary rhetoric.

Mr. Speaker, I would also like to take this opportunity to give recognition to a special program in my own district, the New Haven Follow Through program. This program serves over 800 children in the inner city of New Haven and is a model educational program throughout the country. The program uses a multidimensional learning approach involving children and their parents in the educational process. A unique project, New Haven's Follow Through uses social studies, emphasizing the child's environment and the people in it, as the framework for the curriculum.

Parents are actively involved in their children's school life in a variety of ways. They are volunteers in the classroom, take an active voice in the schools as members of the policy advisory committee, and participate in activities that develop their own interests. Longitudinal studies have demonstrated the program's success showing that students participating in the Follow Through program score significantly higher in reading and math than non-Follow Through children. Most importantly, the gains made by Follow Through children are sustained throughout their educational experience. Mr. Speaker, I believe that the New Haven Follow Through program is a success story and exemplifies the goals of the national program. It has been recognized as a model demonstration project and approved by the U.S. Department of Education's Joint Dissemination and Review Panel for replication in other school districts. Requests for information about the New Haven program come from as far away as Texas and Colorado, they host over 30 separate visits from educators each year, and the New Haven model has been adopted by over 15 school districts in the States of Connecticut and Massachusetts.

Mr. Speaker, I believe that the New Haven Follow Through program typifies the quality and success of other programs which depend upon the legislation we are considering today. During a time when this Congress has expressed strong concern for excellence in education and making wise investments in this Nation's future, we must move quickly to support these programs and protect their continued work. I urge my colleagues to join with me in supporting the suspension of the rules and to favorable pass H.R. 5145 today.●

● Mr. BIAGGI. Mr. Speaker, I rise in strong support of H.R. 5145, the community services amendments of 1984 which extend the Head Start, Follow Through, and community services block grant program for an additional 5 years.

Mr. Speaker, there are few, if any programs besides these that are charged with the specific mandate to alleviate the problems posed by poverty in a significant fashion. The Head Start program—an experimental program begun during the 1960's as part of President Lyndon Johnson's "War on Poverty"—has grown into a successful national educational program of early intervention for the disadvantaged that has yielded measurable results. By all accounts, Head Start received strong, bipartisan support in this House and deserves our continued support through passage of this legislation. This bill authorizes $1.1 billion for the next fiscal year with modest yearly funding increases. Under this program, eligible children and their families will be able to continue to receive a floor of essential social and health services in addition to classroom instruction.

In addition to Head Start, H.R. 5145 also extends the equally as successful Follow Through program from $22.2 million in fiscal year 1985 to $27 million by fiscal year 1989. This program works to assure that the educational gains of children under Head Start are continued once these children enter public schools.

Finally, this legislation also reauthorizes the community services block grant which does not expire until next year. This block grant is but a mere skeleton on the programs formerly run through the Community Services Administration that was wiped out under the 1981 Budget Reconciliation Act. These programs also originated in the 1960's as part of our Nation's war against poverty and have been instrumental in supporting State and local initiatives aimed at promoting self-sufficiency to the poorest of our citizenry. Under H.R. 5145, the CSBG is authorized at $409 million in fiscal year 1984, $429 million in fiscal year 1985, $451 million for fiscal year 1986, $473.5 million for fiscal year 1987, $497 million for fiscal year 1988, and $522 million for fiscal year 1989. I believe these modest funding levels are essential if we are to be able to continue the work of the community services programs that have been working to eradicate poverty in this country for 20 years.

I am also pleased that this legislation incorporates a piece of the Women's Economic Equity Act by incorporating legislation introduced by our colleague BARBARA MIKULSKI, H.R. 2242, establishing a child care information and services referral system. If we are serious about providing economic equity for women, we must provide them with the tools in order to achieve this. Today, at least one-half of the women in the work force are mothers and many more need to work, yet lack the ability to locate adequate child care facilities. Under this program, grants are awarded in order to provide efficient utilization of existing child care services by creating models for centralized systems that would link families in need of these services with the appropriate providers. This program would also serve to document the availability of and demand for child care providers at the local level and improve existing systems by gathering data which reflects the need. I believe this is a small, but significant step in providing removal of another barrier which prevents mothers from entering the work force.

This legislation also extends authorization for our Native American programs which will continue to assist American Indians, Native Hawaiians, and Alaskan Natives in promoting and achieving economic self-sufficiency.

In sum, Mr. Speaker, as a cosponsor of this legislation and a strong advocate for these programs, I urge my colleagues to join with us in passing this important bill which will assure that our Nation's 36 million citizens now

living in poverty will continue to have a chance of being led from poverty into productivity and self-sufficiency.●

● Mr. CONTE. Mr. Speaker, I rise in support of H.R. 5145. I am aware that many of my colleagues on this side of the aisle oppose the bill on the basis of the procedure that is being used to bring the bill to the floor today. The suspension procedure requires two-thirds vote for passage, and limits debate to 40 minutes with no amendments permitted.

I am sympathetic to the concerns of my colleagues over procedure. But there is one thing that makes me lean the other way. As ranking minority member of the Labor/HHS Appropriations Subcommittee, I can tell you that there is probably no subcommittee as respectful of authorizations as the Labor/HHS Subcommittee. If a program is not authorized, we will not consider funding levels for the program, but will, if necessary, defer consideration and allow the program to continue at current levels on a temporary basis in a continuing resolution.

Unless we hurry up and reauthorize an important program like Head Start, that is exactly what is going to happen. As one who has been an ardent supporter of the program, who has fought to preserve the integrity and the funding of the program, I would be most disappointed if that happened.

H.R. 5145 would allow for growth in the Head Start program, and would give the Appropriations Committee room to at least assure Head Start was continued at its current operating level, with enough of an increase at least to cover inflation. If the reauthorization is not passed, that will not be possible. The program will most likely be frozen at its current level, which means that the amount of services the program provides will be cut back.

I am proud of our record on Head Start. Appropriations were at $735 million fiscal year 1980 and are at $995 million in fiscal year 1984. Total enrollment has grown. We are reaching more of the children who can benefit from the program, and that seems to me to be a very worthwhile accomplishment.

So, simply in order to assure that an authorization has a chance of passing before we take up the appropriation for the program, I will support the bill.

I also support the reauthorization of the Community Services block grant, and support the continuation of the important role that the community action agencies fulfill in providing basic services to the poor in our communities.

Finally, I support the Child Care Information and Referral Services Act, legislation which would make the child care system already in place much more efficient in meeting the child care needs of working families and their children.●

● Mr. BEREUTER. Mr. Speaker, today I will reluctantly vote in favor of H.R. 5145, because it contains several programs that I strongly support. I want to set the record straight, however, and make clear my objections to the procedure used by the leadership to "ram" this bill through the House.

This Member is outraged by the endless abuse of the suspension procedure. The Suspension Calendar is clearly not meant to deal with major reauthorization, new discretionary programs, or highly controversial measures. Some colleagues on the other side of the aisle claim that we do not have enough legislative time left to schedule these important measures. Since they are Members of the majority and since the Speaker controls the schedule, I suggest that they can find the time. It is easy to believe that the reason these measures were grouped together and scheduled on the Suspension Calendar was for the benefit of the liberal challengers from the other party. Who, after all, it will be contended, would be heartless enough to vote against little children, single mothers struggling to provide for themselves and their families, or the efforts of the most forgotten American minority to become self-sufficient?

Certainly, no one can dispute the fact that Head Start is one of our most important and effective programs. Just 2 weeks ago, this Member wrote to the Department of Health and Human Services regarding some proposed administrative changes that I felt would be damaging to effective Head Start operations both at the agency level and in individual programs throughout the country. In addition, this Member was an early cosponsor of the legislation to reauthorize the Follow Through program and keep its status as a separate categorical grant program. I long ago recognized that Follow Through naturally builds on Head Start efforts, and provides valuable information to educators and administrators wishing to insure quality education programs for disadvantaged children.

Finally, this Member was an original cosponsor of the Native American Programs Act, reflecting an ongoing commitment to promoting the economic self-sufficiency of Indian people. The Administration for Native Americans regularly returns $3 for every one Federal dollar to the economy. The value of their programs is clear to everyone.

Mr. Speaker and distinguished colleagues, this Member's support for these programs is obvious. I place a high priority on programs that make a difference in the lives of Americans who are fighting to educate their children or improve their economic positions. But such commitments and priorities become increasingly difficult to uphold when they are brought to the floor on the Suspension Calendar.

It is time to bring this outrageous procedure, this flagrantly inappropriate use of the Suspension Calendar into the open. I submit that this shabby nondebate, nonamendment tactic is a direct setup for partisan reasons; the public interest is not being served and neither is the reputation of this House as a deliberative body. It is an absurdity to think that 40 minutes is sufficient to debate an omnibus measure which authorizes $8.7 billion and is $3.7 billion over the President's budget request. The fact that the measure authorizes a brandnew discretionary program virtually without debate, and reauthorizes another program 2 years ahead of time makes a mockery of the system that claims to develop laws based on legislative hearings, consensus, and a free and open debate. The American people deserve a more dignified treatment of their concerns, and this institution should have more self-respect. My reluctant vote in favor of this bill today is a vote affirming the merits of three programs that are important to the people this Member represents, and to this Member himself. But it is time to call a halt to the use of the suspension procedure in this way, and to restore integrity to the process.

I challenge my colleagues in the other party to speak out against this irresponsible trend. We can make our allegiances clear, our priorities known, and our differences perceivable without defiling the legitimate debate procedures of this Chamber any longer. Whether we have the will do so remains to be seen.●

Mr. PERKINS. Mr. Speaker, we only have one additional speaker on this side. We reserve the balance of his time because we want to close debate and we will let the minority go first.

Mr. PETRI. Mr. Speaker, we have no further speakers.

The SPEAKER pro tempore. Does the gentleman yield back the balance of his time?

Mr. PETRI. Yes, Mr. Speaker.

Mr. PERKINS. Mr. Speaker, I yield the balance of the time, 5 minutes, to our distinguished majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, the late Hubert Humphrey, former Vice President of the United States, once said that the moral test of Government is how it treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly, and those who are in the shadows of life, the sick, the needy, and the handicapped.

Well, this is a bill that deals with them. Interestingly, I have not heard any criticism of the programs encompassed in this bill by those who have

spoken against it today. It should be significant that they have not found anything that they can point to, to which they object in the legislation itself.

The gentleman from Wisconsin who just spoke said this Head Start program is a good program and, indeed, it is a good program. It is the method by which we have made it possible for hundreds of thousands of young Americans from disadvantaged homes, culturally deprived environments, to get an even footing with their fellow Americans. I do not know how anybody can find that objectionable.

As for the amount of money that is involved in the bill, yes, it is a 6-year reauthorization of existing programs. It is not as though we were creating new programs. All of us know what the programs are. We are extending them for a 6-year period and there are some $8 billion worth of total authorizations involved. The amount of money authorized for the coming fiscal year is $1,000,600,000.

Now, if we say that 40 minutes to debate a $1,000,600,000 annual program is inadequate, by multiplication and extension we just have to say that we did not spend enough time in the last 2 weeks debating a $167 billion proposal.

Now, the military expenditures which we authorized just last week did not consume 100 times the 40 minutes that we are devoting to this annual expenditure.

It has been argued that Members ought to have the opportunity to review this bill in order that they may offer specific amendments to it.

Now, I am advised that those amendments were offered in the committee and that they were rejected in the committee and that after those amendments had been rejected in the committee, the bill was reported unanimously on a voice vote. Democrats and Republicans both, a partisan unanimity, sent this bill to the floor.

It is those things to which we look when we decide whether to respond to a chairman's request that a bill be considered under suspension of the rules. We thought it relatively noncontroversial, and surely it should be noncontroversial.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. Well, I would yield to the gentleman, but I am responding to what the gentleman said and I did not ask him to yield to me when he was speaking.

Mr. ERLENBORN. The gentleman says no then?

Mr. WRIGHT. Let me just say this to the gentleman. When it is said that this bill breaks the President's budget, I think the gentleman knows full well that there is no such thing as the President's budget. There is a Presidential budget request which is sent annually to the Congress. The budget is that which is adopted by the Congress and I think the gentleman will agree, will he not, that these sums are fully included within the budget that was passed on April 5 by this House.

Now, they are in the budget that the House passed on April 5, are they not?

Mr. ERLENBORN. Will the gentleman yield?

Mr. WRIGHT. Yes; for a response to the question.

Mr. ERLENBORN. Yes; only for that?

Mr. WRIGHT. Well, the gentleman does not disagree, does he, that this is within the budget?

Mr. ERLENBORN. I really wanted to comment on the gentleman saying that there was no controversy because the bill was reported out of our committee on a voice vote.

I would say first to the gentleman that yes, this is within the House passed budget. It is some as I recall $3 billion over the President's budget request; but let me also say to the gentleman, there are procedures where the minority is asked if they agree to a bill being considered under suspension. That was asked in this case and the answer was no and I do not see how the gentleman can say that he was unaware that there was any controversy over the bill. It was reported on a voice vote. There was controversy in committee. Amendments were offered and defeated, but that does not mean we should deny to our colleagues on the floor the opportunity to consider those amendments.

Mr. WRIGHT. Well, I will reclaim my time and simply suggest that if there is that much controversy in this bill, it seems mighty strange to me that in the 20 minutes allotted to the opponents of the bill, they did not address themselves to any controversial feature of the bill, not one. They addressed themselves solely to the procedure.

The SPEAKER pro tempore. The time of the gentleman from Texas, the majority leader, has expired. All time, in fact, now has expired.

The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill, H.R. 5145, as amended.

The question was taken; and on a division (demanded by Mr. ERLENBORN) there were—ayes 9, noes 10.

□ 1330

Mr. PERKINS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CIVIL AERONAUTICS BOARD SUNSET ACT OF 1984

Mr. MINETA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5297) to amend the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board, to transfer certain functions of the Board to the Secretary of Transportation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Civil Aeronautics Board Sunset Act of 1984".

AMENDMENT OF FEDERAL AVIATION ACT OF 1958

SEC. 2. Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.).

TERMINATION AND TRANSFER OF FUNCTIONS UNDER THE FEDERAL AVIATION ACT OF 1958

SEC. 3. (a) Section 1601(b)(1)(C) is amended by striking out "Justice" and inserting in lieu thereof "Transportation".

(b) Section 1601(a)(3) is amended by inserting after "Act" the following: "(other than section 204)".

(c) Section 1601(a) is amended by adding at the end thereof the following:

"(4) The following provisions of this Act (to the extent such provisions relate to interstate and overseas air transportation) and the authority of the Board with respect to such provisions (to the same extent) shall cease to be in effect on January 1, 1985:

"(A) Sections 401(l) and (m) and 405(b), (c), and (d) of this Act (except insofar as such sections apply to the transportation of mail between two points both of which are within the State of Alaska).

"(B) Section 403 of this Act.

"(C) Section 404 of this Act (except insofar as such section requires air carriers to provide safe and adequate service).

"(5) The following provisions of this Act and the authority of the Board with respect to such provisions shall cease to be in effect on January 1, 1985:

"(A) Sections 407(b) and (c) of this Act.

"(B) Section 410 of this Act.

"(C) Section 417 of this Act.

"(D) Sections 1002(d), (e), (g), (h), and (i) of this Act (except insofar as any of such sections relate to foreign air transportation).

"(6) Sections 412(a) and (b) of this Act (to the extent such sections relate to interstate and overseas air transportation) and section 414 of this Act (to the extent such section relates to orders made under sections 412(a) and (b) with respect to interstate and overseas air transportation) and the authority of the Secretary of Transportation under such sections (to the same extent) shall cease to be in effect on January 1, 1989.

"(7) Sections 408 and 409 of this Act and section 414 of this Act (relating to such sec-

tions 408 and 409) and the authority of the Secretary of Transportation under such sections (to the same extent) shall cease to be in effect on January 1, 1989.

"(8) Sections 401(l) and (m) and 405(b), (c), and (d) of this Act (to the extent such sections apply to the transportation of mail between two points both of which are within the State of Alaska) shall cease to be in effect on January 1, 1989.".

(d) Section 1601(b)(1)(D) is amended by inserting after "transportation" the following: "(other than for the carriage of mails between any two points both of which are within the State of Alaska)".

(e) Section 1601(b)(1) is amended by adding at the end thereof the following:

"(E) All authority of the Board under this Act which is not terminated under subsection (a) of this section on or before January 1, 1985, and is not otherwise transferred under this subsection is transferred to the Department of Transportation.".

(f) Section 1601(b) is amended by adding at the end thereof the following:

"(3) The authority of the Secretary of Transportation under this Act with respect to the determination of the rates for the carriage of mails between any two points both of which are within the State of Alaska is transferred to the Postal Service and such authority shall be exercised through negotiations or competitive bidding. The transfer of authority under this paragraph shall take effect on January 1, 1989.".

TRANSFERS OF FUNCTIONS UNDER OTHER LAWS

SEC. 4. (a) There are hereby transferred to and vested in the Secretary of Transportation all functions, powers, and duties of the Civil Aeronautics Board under the following provisions of law:

(1) The International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1159b).

(2) The International Aviation Facilities Act (49 U.S.C. 1151-1160).

(3) The Animal Welfare Act (7 U.S.C. 2131 et seq.).

(4) Section 11 of the Clayton Act (15 U.S.C. 21).

(5) Sections 108(a)(4), 621(b)(5), 704(a)(5), and 814(b)(5) of the Consumer Credit Protection Act (15 U.S.C. 1607(a)(4), 1681s(b)(5), 1691c(a)(5), and 1692l(b)(5)).

(6) Section 382 of the Energy Policy and Conservation Act (89 Stat. 939, 42 U.S.C. 6362).

(7) Section 401 of the Federal Election Campaign Act of 1971 (2 U.S.C. 451).

(8) Section 5402 of title 39, United States Code (to the extent such section relates to foreign air transportation and to air transportation between any two points both of which are within the State of Alaska).

(9) Sections 4746 and 9746 of title 10, United States Code.

(10) Section 3 of the Act entitled "An Act to encourage travel in the United States, and for other purposes" (16 U.S.C. 18b).

(b) The transfer of any authority under subsection (a) of this section shall take effect on January 1, 1985.

(c) The authority of the Secretary of Transportation under section 5402 of title 39, United States Code, with respect to air transportation between any two points both of which are within the State of Alaska shall cease to be in effect on January 1, 1989.

COLLECTION OF DATA

SEC. 5. (a) Section 329(b)(1) of title 49, United States Code, is amended to read as follows:

"(1) collect and disseminate information on civil aeronautics (other than that collected and disseminated by the National Transportation Safety Board under title VII of the Federal Aviation Act of 1958 (49 U.S.C. 1441 et seq.)) including, at a minimum, information on (A) the origin and destination of passengers in interstate and overseas air transportation (as those terms are used in such Act), and (B) the number of passengers traveling by air between any two points in interstate and overseas air transportation; except that in no case shall the Secretary require an air carrier to provide information on the number of passengers or the amount of cargo on a specific flight if the flight and the flight number under which such flight operates are used solely for interstate or overseas air transportation and are not used for providing essential air transportation under section 419 of the Federal Aviation Act of 1958;".

(b) The amendment made by this section shall take effect on January 1, 1985.

REPORTS

SEC. 6. (a) The Secretary of Transportation shall submit a report to the appropriate committees of Congress not later than July 1, 1987, listing (1) transactions submitted to the Secretary for approval under section 408 of the Federal Aviation Act of 1958, (2) interlocking relations submitted to the Secretary for approval under section 409 of such Act, and (3) the types of agreements filed with the Secretary of Transportation under section 412 of such Act, and, with respect to such transactions, interlocking relationships, and agreements, those that have been exempted from the operation of the antitrust laws under section 414 of such Act. The Secretary shall recommend whether the authority under such sections 408, 409, 412, and 414 should be retained or repealed with respect to interstate and overseas air transportation and with respect to foreign air transportation.

(b) The Secretary of Transportation and the Postmaster General shall each submit a report to the appropriate committees of Congress not later than July 1, 1987, describing how the Secretary and the Postmaster General have administered their respective authorities to establish rates for the air transportation of mail and setting forth the recommendations of the Secretary and the Postmaster General as to whether the authority to establish rates for the transportation of mail between points within the State of Alaska should continue to be carried out by the Secretary by regulatory ratemaking or by the Postal Service through negotiations or competitive bidding.

INCORPORATION BY REFERENCE

SEC. 7. (a) Section 411 of the Federal Aviation Act of 1958 is amended by inserting "(a)" after "SEC. 411." and by adding at the end thereof the following new subsection:

"INCORPORATION BY REFERENCE

"(b) Any air carrier may incorporate by reference in any ticket or other written instrument any of the terms of the contract of carriage in interstate and overseas air transportation, in accordance with regulations issued by the Board establishing uniform notice requirements concerning such incorporation by reference.".

(b) Section 411 of the Federal Aviation Act of 1958 is amended by inserting before subsection (a) (as designated by subsection (a) of this section) the following subsection heading:

"INVESTIGATIONS".

(c) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading

"TITLE IV—AIR CARRIER ECONOMIC REGULATION"

is amended by striking out

"Sec. 411. Methods of competition."

and inserting in lieu thereof

"Sec. 411. Methods of competition.

"(a) Investigations.

"(b) Incorporation by reference.".

REFERENCES TO CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

SEC. 8. Any reference in any law to a certificate of public convenience and necessity, or to a certificate of convenience and necessity, issued by the Civil Aeronautics Board shall be deemed to refer to a certificate issued under section 401 or 418 of the Federal Aviation Act of 1958.

MISCELLANEOUS AMENDMENTS

SEC. 9. (a)(1) Section 101(11) is amended to read as follows:

"(11) 'All-cargo air service' means the carriage by aircraft in interstate or overseas air transportation of only property or mail, or both.".

(2) Section 418(b)(3) is repealed.

(b) Section 1307(a) is amended by striking out ", after consultation with the Civil Aeronautics Board,".

(c) Section 11 of the International Aviation Facilities Act (49 U.S.C. 1159a) is amended in the second sentence by striking out "and the Civil Aeronautics Board" and by striking out "in collaboration with the Civil Aeronautics Board" and inserting in lieu thereof "in collaboration with the Secretary of Transportation".

(d) Section 2 of the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1159b) is amended by—

(1) striking out "the Civil Aeronautics Board," in subsection (a);

(2) striking out "Civil Aeronautics Board" and "Board" each time they appear in subsection (b) and the first sentence of subsection (d) and inserting in lieu thereof "Secretary of Transportation" and "Secretary", respectively;

(3) striking out "and the Department of Transportation" in subsection (b)(2); and

(4) striking out the last sentence in subsection (d) and inserting in lieu thereof the following: "The Secretaries of State and Treasury shall furnish to the Secretary of Transportation such information as may be necessary to prepare the report required by this subsection.".

(e) Section 5314 of title 5, United States Code, is amended by striking out "Chairman, Civil Aeronautics Board.". Section 5315 of title 5, United States Code, is amended by striking out "Members, Civil Aeronautics Board.".

(f) Section 3726(b)(1) of title 31, United States Code, is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation with respect to foreign air transportation (as defined in the Federal Aviation Act of 1958)".

(g)(1) Sections 3401(b) and (c) of title 39, United States Code, are each amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(2) Section 5005(b)(3) of title 39, United States Code, is amended by striking out "Civil Aeronautics Board" and inserting in

lieu thereof "Secretary of Transportation if for the carriage of mail in foreign air transportation (as defined in section 101 of the Federal Aviation Act of 1958)".

(3) Section 5401(b) of title 39, United States Code, is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(4) Section 5402 of title 39, United States Code, is amended—

(A) by striking out "Civil Aeronautics Board" each place it appears and inserting in lieu thereof "Secretary of Transportation";

(B) in the first sentence of subsection (a), by inserting "in foreign air transportation" after "points";

(C) in the second sentence of subsection (a), by striking out "10 percent of the domestic mail transported under any such contract or";

(D) in the first sentence of subsection (b), by inserting "in foreign air transportation" after "points";

(E) in the first sentence of subsection (c), by inserting "in foreign air transportation" after "points"; and

(F) by adding at the end thereof the following new subsections:

"(d) The Postal Service may contract with any air carrier for the transportation of mail by aircraft in interstate and overseas air transportation either through negotiations or competitive bidding.

"(e) For purposes of this section, the terms 'air carrier', 'interstate air transportation', 'overseas air transportation', and 'foreign air transportation' have the meanings given such terms in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301).

"(f) During the period beginning January 1, 1985, and ending January 1, 1989, the authority of the Secretary of Transportation under subsections (a), (b), and (c) of this section shall also apply, and the authority of the Postal Service under subsection (d) shall not apply, to the transportation of mail by aircraft between any two points both of which are within the State of Alaska and between which the air carrier is authorized by the Secretary to engage in the transportation of mail. Not more than 10 percent of the domestic mail transported under any contract entered into under subsection (a) pursuant to such authority shall consist of letter mail.".

(h) Section 3502(10) of title 44, United States Code, is amended by striking out "the Civil Aeronautics Board,".

(i) Section 15(a) of the Animal Welfare Act (7 U.S.C. 2145(a)) is amended by striking out "the Civil Aeronautics Board" and inserting in lieu thereof "the Secretary of Transportation".

(j) Section 203(j) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(j)) is amended by striking out "the Civil Aeronautics Board".

(k) Sections 4746 and 9746 of title 10, United States Code, are each amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(l) Section 7 of the Clayton Act (15 U.S.C. 18) is amended in the final paragraph by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation" and by striking out "Commission, Secretary, or Board" and inserting in lieu thereof "Commission or Secretary".

(m) Section 11 of the Clayton Act (15 U.S.C. 21) is amended—

(1) in subsection (a), by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation" and by striking out "Civil Aeronautics Act of 1938" and inserting in lieu thereof "Federal Aviation Act of 1958";

(2) in subsection (b), by striking out "Commission or Board" each place it appears and inserting in lieu thereof "Commission, Board, or Secretary"; and

(3) by striking out "commission or board" each place it appears in such section and inserting in lieu thereof "commission, board, or Secretary".

(n) The Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation" each place it appears in section 108(a)(4) (15 U.S.C. 1607(a)(4)), section 621(b)(5) (15 U.S.C. 1681s(b)(5)), section 704(a)(5) (15 U.S.C. 1691c(a)(5)), and section 814(b)(5) (15 U.S.C. 1692l(b)(5)).

(o) Section 3 of the Act entitled "An Act to encourage travel in the United States, and for other purposes" (16 U.S.C. 18b; 54 Stat. 773), is amended by striking out "the Civil Aeronautics Authority,".

(p) Section 47(a)(7)(C) of the Internal Revenue Code of 1954 is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(q) Section 7701(a)(33)(E) of the Internal Revenue Code of 1954 is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(r) Section 419(c)(1) is amended by striking out "416(b)(3)" and inserting in lieu thereof "416(b)(4)".

(s) Section 412(c)(2) is amended by striking out "subsection (c) of this section" and inserting in lieu thereof "subsection (a) of this section".

(t) Section 407(e) is amended by striking out the first sentence and inserting in lieu thereof the following: "The Board shall have access to all lands, buildings, and equipment of any air carrier or foreign air carrier when necessary for a determination under section 401, 402, 418, or 419 of this title that such carrier is fit, willing, and able. The Board shall at all times have access to all accounts, records, and memorandums, including all documents, papers, and correspondence, now or hereafter existing, and kept or required to be kept by air carriers, foreign air carriers, or ticket agents. The Board may employ special agents or auditors, who shall have authority under the orders of the Board to inspect and examine lands, buildings, equipment, accounts, records, and memorandums to which the Board has access under this subsection.".

(u) Section 105(a)(1) is amended by striking out "interstate air transportation" and inserting in lieu thereof "air transportation".

(v) The amendments made by this section shall take effect on January 1, 1985.

TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL

SEC. 10. (a) The personnel (including members of the Senior Executive Service) employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with, any function transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act, subject to section 1531 of title 31, United States Code, shall be transferred to the head of the agency to which such function is transferred for appropriate allocation. Personnel employed in connection with functions so transferred shall be transferred in accordance with any applicable laws and regulations relating to transfer of functions. Unexpended funds transferred pursuant to this subsection shall only be used for the purpose for which the funds were originally authorized and appropriated.

(b) In order to facilitate the transfers made by section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act, the Director of the Office of Management and Budget is authorized and directed, in consultation with the Civil Aeronautics Board and the heads of the agencies to which functions are so transferred, to make such determinations as may be necessary with regard to the functions so transferred, and to make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with, such functions, as may be necessary to resolve disputes between the Civil Aeronautics Board and the agencies to which functions are transferred by section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act.

(c) The Chairman of the Civil Aeronautics Board and the Secretary of Transportation shall, beginning as soon as practicable after the date of enactment of this Act, jointly plan for the orderly transfer of functions and personnel pursuant to section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act.

EFFECT ON PERSONNEL

SEC. 11. (a) Employees covered by the merit pay system under chapter 54 of title 5, United States Code, who are transferred under section 10 of this Act to another agency shall have their rate of basic pay adjusted in accordance with section 5402 of such title. With respect to the evaluation period during which such an employee is transferred, merit pay determinations for that employee shall be based on the factors in section 5402(b)(2) of such title as appraised in performance appraisals administered by the Civil Aeronautics Board in accordance with chapter 43 of title 5, United States Code, in addition to those administered by the agency to which the employee is transferred.

(b) With the consent of the Civil Aeronautics Board, the head of each agency to which functions are transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act is authorized to use the services of such officers, employees, and other personnel of the Board for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

SAVINGS PROVISIONS

SEC. 12. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any agency or official thereof, or by a court of competent jurisdiction, in the performance of any function which is transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act from the Civil Aeronautics Board to another agency, and

(2) which are in effect on December 31, 1984,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the head of the agency to which such function is transferred, or other authorized officials, a court of competent jurisdiction, or by operation of law.

(b) The transfers of functions made by section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending at the time such transfers take effect before the Civil Aeronautics Board; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if such sections 1601(b) and 4 had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if such sections 1601(b) and 4 had not been enacted.

(c) Except as provided in subsection (e)—

(1) the transfer of any function under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act shall not affect any suit relating to such function which is commenced prior to the date the transfer takes effect, and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act had not been enacted.

(d) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Civil Aeronautics Board shall abate by reason of the transfer of any function under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act. No cause of action by or against the Civil Aeronautics Board, or by or against any officer thereof in his official capacity shall abate by reason of the transfer of any function under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act.

(e) If, before January 1, 1985, the Civil Aeronautics Board, or officer thereof in his official capacity, is a party to a suit relating to a function transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act, then such suit shall be continued with the head of the Federal agency to which the function is transferred.

(f) With respect to any function transferred to another agency by section 1601(b) of the Federal Aviation Act of 1958 or by section 4 of this Act and exercised after the effective date of such transfer, reference in any Federal law (other than title XVI of the Federal Aviation Act of 1958) to the Civil Aeronautics Board or the Board (insofar as such term refers to the Civil Aeronautics Board), or to any officer or office of the Civil Aeronautics Board, shall be deemed to refer to that agency, or other official or component of the agency, in which such function vests.

(g) In the exercise of any function transferred under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act, the head of the agency to which such function is transferred shall have the same authority as that vested in the Civil Aeronautics Board with respect to such function, immediately preceding its transfer, and actions of the head of such agency in exercising such function shall have the same force and effect as when exercised by the Civil Aeronautics Board.

(h) In exercising any function transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act, the head of the agency to which such function is transferred shall give full consideration to the need for operational continuity of the function transferred.

DEFINITIONS

SEC. 13. For purposes of this Act—

(1) the term "agency" has the same meaning such term has in section 551(1) of title 5, United States Code; and

(2) the term "function" means a function, power, or duty.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. MINETA) will be recognized for 20 minutes and the gentleman from Minnesota (Mr. STANGELAND) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. MINETA).

Mr. MINETA. Mr. Speaker, I yield such time as he may consume to our very distinguished chairman of the full Committee on Public Works and Transportation, the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Speaker, I rise in support of H.R. 5297, the Civil Aeronautics Board Sunset Act of 1984. Enactment of this bill will bring significant benefits to the traveling and shipping public and the air carrier industry.

First, this bill will insure that consumers will continue to receive protection after January 1, 1985 in such areas as overbooking, denied boarding compensation, baggage liability, smoking, access for the handicapped, and charters. Without this bill some of these consumer protections will lapse, while others would be the subject of jurisdictional ambiguities which could render them totally ineffective.

Second, under this bill the Government will continue to have responsibility of determining that a new airline is fit before it inaugurates service. This will be an important protection for the traveling public and the industry since it will screen out persons who would be unscrupulous enough to not provide safe service, or who would not be financially capable of delivering the transportation they were offering the public.

Third, the bill shifts the power to grant antitrust immunity to airline industry agreements to the Department of Transportation. Under current law, the Department of Justice would receive this authority. DOT is better suited for this authority since they are more likely to take account of the transportation benefits of an agreement rather than focus strictly on antitrust implications. This change in the law, in my opinion, will make it possible for many of the agreements that facilitate the flow of passengers and baggage within the airline system to continue.

Finally, Mr. Speaker, this legislation has been the subject of thorough hearings at which we received testimony from all segments of the airline industry and the traveling public. There is near universal agreement that this legislation is necessary and desirable. I urge the House to adopt this measure.

Mr. MINETA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, under existing law the Civil Aeronautics Board has already lost many of its regulatory authorities, it has shrunk to roughly half of its former size, and it is scheduled to go out of existence altogether on January 1, 1985. Most of its remaining authorities, having to do with such matters as international aviation and the essential air service program, will continue at other agencies, mainly at the Department of Transportation.

The Aviation Subcommittee has reviewed this situation in a series of hearings beginning in May 1983 and concluding in March of this year. We believe that for the most part existing law should continue to govern the sunset of the CAB. There are several areas, however, where we believe the absence of further legislation would abruptly deprive consumers of protection they now enjoy and expect.

Under existing law—primarily sections 404 and 411 of the Federal Aviation Act—there are regulations providing rules of the road to protect consumers and to guide carriers in their behavior. These include regulations regarding deceptive or unfair competitive practices, overbooking and denied boarding compensation, limitations on liability for lost or damaged baggage, protections governing the advance sale of charters, smoking, discrimination against the handicapped, and notice to passengers of terms and conditions in the contract of carriage. In our hearings we found that, unless we legislatively preserved the underlying authorities in sections 404 and 411, consumers would find themselves on January 1 abruptly without any of these regulations and without any agency they could turn to which had any regulatory or enforcement powers over these issues.

It was certainly clear to me, and I think to the other members of the committee, that the consumer would be in an untenable situation on January 1. I do not believe the consumer of airline services today considers himself or herself as coddled or overly protected by regulations. The regulatory pro-

tections consumers have today are fairly minimal. Yet on January 1 they would have none, and I do not believe they would be very happy about that.

This bill therefore explicitly retains the existing consumer protection authorities in sections 404 and 411 and transfers those authorities and the existing regulations to the Department of Transportation when the CAB sunsets.

We also found that the Board's existing authority under section 401 of the Federal Aviation Act to determine the fitness of carriers is an indispensible part of the Government's ability to protect the traveling public from unscrupulous or incompetent persons who might hold themselves out to the public as air carriers. CAB fitness determinations have traditionally looked into the carrier's general managerial competence, financial capability, and the past record of management with regard to compliance with laws and regulations. These CAB fitness determinations have provided the traveling public with an added protection from operators who might offer to sell a service they could not and would not actually provide, and has been used to keep elements of organized crime out of the airline industry.

We see no reason why that existing protection should be scrapped. Yet our hearings clearly established that without further legislation, these fitness determinations would cease. This bill therefore preserves the existing authority to make fitness determinations and transfers that authority to the Department of Transportation.

In sum, this legislation is designed to make the sunset of the CAB smooth and trouble free for the traveling public and for the airlines, and CAB sunset will be far smoother with this bill than without it.

The bill is a bipartisan product of our committee. A great many Members on both sides of the aisle played a part in its formulation, but I would like to mention in particular my colleague from Arkansas (Mr. HAMMERSCHMIDT), who was particularly instrumental in putting this bill together and who is, as the ranking minority member of the Veterans' Committee, at the D-day commemoration in Normandy today.

I also want to acknowledge that my colleague from New Jersey (Mr. FLORIO) has addressed this problem in similar legislation of his own. There are some differences in the two bills but their basic purpose is the same: to insure continued consumer protection after the sunset of the CAB. As a leader in the effort to insure that continued protection, he very graciously writes to me that he is pleased that H.R. 5297 is moving ahead and he hopes it will receive the prompt approval of the House. Mr. FLORIO's letter follows:

SUBCOMMITTEE ON COMMERCE,
TRANSPORTATION, AND TOURISM,
Washington, D.C., June 5, 1984.

Hon. NORMAN Y. MINETA,
Rayburn House Office Building,
Washington, D.C.

DEAR NORMAN: I understand that your bill, H.R. 5297, amending the Federal Aviation Act, will soon be considered on the floor of the House. H.R. 5297 terminates certain functions of the Civil Aeronautics Board and transfers other CAB responsibilities to the Department of Transportation. Among those functions transferred to DOT would be the responsibility for consumer protection, including protection in such areas as smoking, bumping, discrimination against the handicapped, and baggage handling.

I am writing to say that I am pleased that there is now a prospect for early passage of your bill with authority to continue these consumer protection safeguards. As you know, with the expiration of statutory authority for the CAB at the end of this year, the authority for existing CAB rules protecting consumers would expire. These protections are very important to the traveling public and it is imperative that they be preserved. While I have introduced my own bill, which takes a different procedural approach to this issue, the most important objective is to ensure continued consumer protection in the airline industry.

I commend you for successfully bringing this important measure to the floor and I hope that H.R. 5297 will receive the prompt approval of the House.

Sincerely,

JAMES J. FLORIO,
Chairman, Subcommittee on
Commerce, Transportation, and Tourism.

Mr. Speaker, I strongly urge the adoption of this legislation.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. MINETA. I am very pleased to yield to our very distinguished majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. I thank the gentleman for yielding.

I would like to be sure that I understand the effect of this bill on air service to Love Field in Texas.

In the Aviation Safety and Noise Abatement Act of 1979 we included a provision to insure a fair and equitable settlement of the dispute over air service that had raged for many years in the Dallas/Fort Worth area, and the compromise in the 1979 act provided that only very limited and specifically described interstate air service will be allowed in and out of Love Field, and that all other interstate service would be provided out of the Dallas/Fort Worth Regional Airport.

I would like the gentleman's assurance that the pending will does not affect these provisions in the 1979 Aviation Safety and Noise Abatement Act, and that under your bill the authorizations and prohibitions on air service out of Love Field will continue to apply after the CAB sunset.

Mr. MINETA. Mr. Speaker, I can assure the very distinguished gentleman from Texas that the reported bill does not interfere with the Love Field provision in the 1979 act and in fact the reported bill will help insure that the 1979 provisions continue to be in force.

The provision in the 1979 act prohibits the Civil Aeronautics Board and the Secretary of Transportation from issuing any certificate or other authority authorizing interstate service at Love Field, with the exception of service specifically mentioned by that provision.

□ 1340

The bill now before us continues to provide for the issuance of certificates for interstate air service and this will help enforce the 1979 provision. The pending bill continues the requirement in section 401 of the Federal Aviation Act that an air carrier must obtain a certificate of fitness before it provides interstate air transportation, and it provides that the Department of Transportation will issue those section 401 certificates after sunset of the Civil Aeronautics Board. When it issues these certificates, the Department will be bound by all the existing requirements of the Love Field provision in the 1979 act.

Mr. WRIGHT. Mr. Speaker, I thank the gentleman for that clarification.

Mr. MINETA. Mr. Speaker, I am more than pleased to yield such time as he may consume to our very distinguished colleague, the gentleman from Michigan (Mr. STANGELAND).

Mr. STANGELAND. I would like to associate myself with the comments just made by the chairman of the Aviation Subcommittee, Mr. MINETA, and also assure my good friend and colleague, the distinguished majority leader, the minority of the Public Works Committee is in full accord with the proposition that that adoption of H.R. 5294 will insure that the Love Field provision will continue in full force and effect.

I thank the gentleman for yielding.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. STANGELAND) for 20 minutes.

Mr. STANGELAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also ask unanimous consent that immediately following my statement in the RECORD, a statement by the distinguished ranking member of the full Public Works Committee, Mr. SNYDER, and a statement by the distinguished ranking member of the Aviation Subcommittee, Mr. HAMMERSCHMIDT, be made a part of the RECORD.

The SPEAKER pro tempore. The Chair will inform the gentleman that will be covered under general leave for all Members at a later time.

Mr. STANGELAND. Mr. Speaker, I rise in support of H.R. 5297, the Civil

Aeronautics Board Sunset Act of 1984, and urge this body to adopt this important measure.

As my colleagues are aware, the Airline Deregulation Act of 1978 (ADA) set a timetable for the deregulation of the domestic airline industry. The Civil Aeronautics Board's authority to regulate domestic pricing and entry was gradually eliminated and today airlines have the freedom to charge what they want and fly wherever they want within the United States.

The ADA also provided that at the end of 1984, the CAB would sunset and those functions which were going to be retained would be transferred to other agencies. Although the Deregulation Act specified where most of the Board's functions would be transferred, some issues were not specifically addressed. For this reason, our committee felt it was particularly important to assure that those functions continuing after sunset would be explicitly transferred by statute, rather than left to the litigators and the courts to decide.

Mr. Speaker, the legislation we are considering today can best be characterized as a consumer protection bill, primarily because it would assure that those CAB regulations which have been adopted through the years to protect air travelers will continue after the Board sunsets. These regulations, as well as the general statutory authority to promulgate them, would be transferred to the Department of Transportation (DOT).

Examples of consumer-oriented regulations which the CAB has adopted, and which would transfer to DOT under the provisions of H.R. 5297, include those dealing with denied boarding compensation (commonly referred to as bumping), liability for lost or damaged baggage, protections for charter passengers, and upcoming rules relating to airline computer reservations systems.

I believe that DOT is the most logical place to transfer this authority—not only because of its expertise in air transportation matters, but also because existing law already provides that these same consumer functions will transfer to DOT for the small community air service and international aviation programs. Therefore, it certainly makes sense to lodge all of the CAB's existing consumer functions in one place at DOT. This will assure a coordinated approach to solving any problems which may arise and I believe air travelers would be well served by having DOT administer these important responsibilities.

Another of the bill's provisions would transfer to DOT CAB's existing authority to determine the fitness of domestic air carriers. As in the case with consumer protection, existing law already provides that this function will transfer to DOT for the small community air service and international aviation functions, and it is also sound policy to require DOT to conduct this inquiry for other air carriers involved in domestic air transportation as well.

In the exercise of its responsibilities to determine a carrier's fitness, the CAB examines applications submitted by individuals seeking to form an airline. The Board looks at issues involving a carrier's managerial ability, its financial condition, and its ability to comply with the various rules and regulations affecting its operations. Carriers who successfully meet the qualifications are issued certificates under section 401 of the Federal Aviation Act.

I believe this fitness function is extremely important—and probably even more so in today's deregulated environment than ever before. While there is nothing we can do to guarantee that existing carriers will not experience financial or other difficulties after they have been around a while, I think it is incumbent upon the Federal Government to do all it can to make sure that those seeking to start an airline possess at least a minimum level of financial fitness and managerial ability.

The bill accomplishes some other important objectives which should also be specifically mentioned. The CAB's authority over mergers, acquisitions, interlocking relationships, and agreements would also be transferred to the DOT, as well as the authority to grant antitrust immunity to these transactions in appropriate cases. However, the authority to grant antitrust immunity would expire on January 1, 1989—except for cases involving agreements affecting domestic air transportation—unless Congress believed, after evaluating a DOT report on the issue, that the public interest required DOT to retain this authority beyond that time.

H.R. 5297 would also assure that DOT would continue to collect airline traffic data, which is particularly useful to local airport operators and community planners, while assuring that all airlines required to provide this information will be treated in the same manner, regardless of their size.

Mr. Speaker, H.R. 5297 is an important piece of legislation and one which I believe is worthy of my colleagues support. Without it, airline passengers run the risk of losing many of the protections which the Board has enacted over the years to assure that they are fairly treated. Therefore, H.R. 5297 preserves this important authority, as well as the procompetitive policies embodied in the Airline Deregulation Act of 1978.

For the foregoing reasons, I urge my colleagues to support H.R. 5297.

Mr. MINETA. Mr. Speaker, I yield such time as he may consume to our colleague, the gentleman from South Dakota (Mr. DASCHLE).

Mr. DASCHLE. Mr. Speaker, I rise in reluctant support of H.R. 5297. Reluctant, because I know that a clarification of the responsibilities to be divided among Federal agencies after the sunset of the Civil Aeronautics Board is necessary, yet increasingly concerned about whether those responsibilities, even after they have been clarified, will be met.

I have been and continue to be one who believes in airline deregulation. Contrary to the commonly held view, I believe that it will benefit all parts of our country, including even rural States like my own. In fact, in most parts of South Dakota, airline service is now better than it has been. There are more flights coming into and leaving our communities than ever before. In our larger cities, there are more airlines providing service. And in many others, commuter airlines have been a pleasant surprise.

But while this increased activity has been healthy, the Airline Deregulation Act was a misnomer if anyone suspected that it would end all regulation of this important industry. Continued regulation of certain aspects of the airline business has been and will continue to be immensely important to the public interest. Consumer protection, carrier fitness, airline acquisitions, interlocking arrangements, and foreign air travel matters will always be areas of responsibility to be held in large part by the Federal Government.

The sunset of the CAB has become symbolic of the deregulation scenario. If we abolish the regulations, it follows that we abolish the agency. But the symbolism overlooks the facts and the substance. The facts are that there will continue to be Government involvement. The facts are that there will continue to be a public interest in many of the regulatory matters pertaining to the airline industry. The facts are certain governmental agencies must continue to shoulder these responsibilities.

If these are the facts, we must then ask if those responsibilities are better carried out split among several large Federal departments including Justice and Transportation where they will become mere parts in a myriad of potentially overriding concerns of the day; or whether the continued role of the Federal Government in airline related matters can best be served by a single, small, nonpolitical agency responsive only to matters pertaining to this industry.

That question cannot be resolved here. The Congress has already provided its judgment. But this is an appropriate time to call attention to the need from time to time to reconsider

that judgment. Perhaps there is no better time for us to put those agencies on notice that we will be watching, we will be waiting, and we will be ready to make whatever changes to see that the appropriate responsibilities of the Federal Government will be fully carried out.

Mr. Speaker, I thank the gentleman for yielding this time to me.

● Mr. HAMMERSCHMIDT. Mr. Speaker, I would like to place in the RECORD my views in support of H.R. 5297, the Civil Aeronautics Board Sunset Act of 1984.

This legislation would assure the orderly phaseout of the Civil Aeronautics Board (CAB), which is now scheduled to go out of existence at the end of this year in accordance with provisions of the Airline Deregulation Act of 1978 (ADA). I believe that, if adopted, H.R. 5297 will assure that any problems associated with CAB's sunset will be minimized and that the transfer of some of the Board's current functions will be accomplished without any adverse effects on the traveling public.

As my colleagues are aware, the ADA provided for the transfer of many of the CAB's functions on January 1, 1985. Among these responsibilities are the administration of international aviation functions and the small community air service program, both of which are scheduled to transfer to the Department of Transportation.

However, the deregulation act did not specifically provide for the transfer of certain other CAB functions relating to domestic air transportation, such as jurisdiction over consumer protection, competitive practices, and fitness of air carriers.

Because I believe that the traveling public must continue to receive the same level of protection that it has come to rely upon over the years, H.R. 5297 assures that these important responsibilities will not be eliminated. In addition, it also consolidates within DOT virtually all of the transferring CAB functions, thus avoiding the confusion and inefficiencies which would undoubtedly occur if these responsibilities were dispersed among different Federal agencies.

First, the bill would transfer the CAB's existing authority to regulate unfair and deceptive practices and unfair methods of competition to the Department of Transportation (DOT).

This authority, continued in section 411 of the Federal Aviation Act, has been used by the CAB to adopt consumer protection regulations on denied boarding compensation, baggage liability, notice to passengers about the terms of carriage and protections for charter passengers. In addition, the CAB has recently issued rulemaking proposals relating to airline computer reservations systems used by travel agents, and final rules are expected to be adopted in the near future.

The legislation also transfers CAB's existing authority in section 404(a) of the Federal Aviation Act to the DOT. This section provides the authority to regulate in other consumer-related areas and is the basis upon which the Board has issued regulations dealing with smoking aboard aircraft and transportation of handicapped passengers.

Second, the bill would transfer CAB's authority to determine a carrier's fitness to the DOT. Although the domestic fitness function was not specifically transferred by the Airline Deregulation Act, I believe it is important that the thorough inquiry now conducted by the CAB be continued after sunset. With the entry of many new airlines into the system, it is extremely important that we assure the traveling public that carriers will be adequately prepared to undertake their responsibilities. Accordingly, the legislation would require DOT to perform this function and to continue issuing separate certificates under section 401 of the act.

Third, the bill transfers to DOT the CAB's authority to approve mergers, interlocks and agreements, as well as the authority to grant antitrust immunity to these transactions in appropriate cases.

I believe DOT's expertise in air transportation makes it particularly well equipped to exercise this authority. For example, sections 408 and 412 specifically require that, in determining whether certain mergers or intercarrier agreements should be approved, the transportation benefits which would be provided must be balanced against the possible anticompetitive effects involved. Because I believe that DOT would be in the best position to evaluate these often competing considerations, the bill transfers these provisions to DOT.

Mr. Speaker, this legislation results from numerous hearings which we have conducted on the economic issues associated with airlines deregulation. As a result of this thorough inquiry, I firmly believe that adoption of this bill is essential if we are to have an orderly phaseout and transfer of the CAB's functions.

While the Board's disappearance will close another chapter in this country's movement toward a deregulated air transportation system, we cannot overlook the fact that the traveling public and the aviation community will continue to expect that the Federal Government will be able to respond to any problems which may arise. Therefore, we must assure that the authority is in place to carry out these important responsibilities and that they will be administered by an agency with demonstrated expertise in air transportation issues.

Mr. Speaker, I am confident that H.R. 5297 accomplishes these objectives and, for these reasons, urge my colleagues to support it.●

● Mr. SNYDER. Mr. Speaker, I rise in support of H.R. 5297, the Civil Aeronautics Board Sunset Act of 1984, and would like to commend both the distinguished chairman and ranking member of the Subcommittee on Aviation for their leadership in bringing this bill to the floor.

With CAB sunset scheduled to occur at the end of this year, the Subcommittee on Aviation conducted a series of extensive hearings on the effects of airline deregulation and reviewed many legislative proposals to assure the smooth and orderly phaseout and transfer of the Board's functions. The vast majority of those who testified believed that deregulation has provided the basic framework for creating a more efficiently operated industry and one which will be better equipped to respond to the future demands of air travel.

Although the Airline Deregulation Act of 1978 set the basic timetable for phasing out or transferring the CAB's statutory authority, it did not specifically address what would happen to certain other Board functions, such as consumer protection, unfair trade practices regulation, and domestic carrier fitness certification.

Although it is the administration's position that each of these functions can be transferred to the appropriate agency without legislation, I believe the public interest would be best served if these functions were explicitly transferred to the Department of Transportation rather than left to the courts to decide, after protracted litigation, just what Congress really meant to do.

Perhaps the most important issue which H.R. 5297 addresses is the CAB's authority to regulate unfair and deceptive practices, unfair methods of competition, and other consumer-related areas as well. Regulations issued under these provisions include overbooking and denied boarding compensation, liability for lost or damaged baggage, protections governing the advance sale of charters, notices to passengers and proposals relating to computer reservations systems. In addition, the Board also regulates smoking aboard aircraft and prohibits discrimination in the transportation of handicapped passengers.

Unless we act to preserve the authority contained in these sections, consumers would likely find themselves without any agency to regulate in these areas. Because we believe that the protections which exist today for airline passengers are essential and must be continued, H.R. 5297 would retain the existing CAB rules, as well as the Board's underlying statutory

authority, and transfer them to DOT at sunset.

In addition, the bill would continue the domestic fitness determinations as they are now performed by the CAB under section 401 of the Federal Aviation Act. These determinations, which are in addition to the safety certification function performed by the FAA, involve checking a carrier's managerial competence, financial resources, and most importantly, the likelihood that they will comply with the appropriate laws and regulations. These inquiries have provided the traveling public with added protection by assuring that an extensive investigation into a new carrier's background will be conducted before an airline can hold itself out to the public as a common carrier.

Mr. Speaker, the legislation before us today makes few substantial changes in the provisions of the original Airline Deregulation Act of 1978. Rather, it continues those policies which resulted in the economic deregulation of the airline industry and at the same time preserves those provisions which are necessary to assure that the traveling public will continue to be protected as they are today. Moreover, the bill has widespread support throughout the aviation community and both industry and consumer groups have urged its adoption.

For the foregoing reasons, I urge my colleagues to support this legislation.●

Mr. MINETA. Mr. Speaker, I have no further requests for time.

Mr. STANGELAND. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MINETA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MINETA) that the House suspend the rules and pass the bill, H.R. 5297, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1350

A QUESTION OF TIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I do not intend to take the 60 minutes. I simply want to take a little time here to point out that we are finishing up legislative business here this afternoon at 1:50 in the afternoon. That means that we have worked for an hour and 50 minutes.

I point that out simply to point out the absurdity of what we were told in House debate here earlier today. In the House debate earlier today we were told that we could not debate an $8½ billion bill under the regular procedures of the House because there simply was not time in this legislation session to do it.

Well, here we are. We are finishing up after less than 2 hours of time being taken in this legislative day. There are at least 3 to 4 hours in a typical workday of most Americans left to us yet today that we could have been taking up that bill under the regular legislative procedures and we are not going to do it.

Now, I think that the American people have got to begin to evaluate what it is they are being told on this floor. The other day there was criticism made of me for taking a point of personal privilege in the course of the day because we simply did not have time to consider such matters because we had important legislation. And here we are, quitting at 1:50 in the afternoon.

I would suggest that the American people need to analyze just what this House has been doing and just what kind of silly arguments are being made on a regular basis on this floor to justify doing things that are not in the best interests of this country or of the American people.

I point specifically to the fact that we had an $8½ billion bill, $3½ billion over the President's budget, on the floor today, that we were told we had to take up in the fashion in which we did, without amendment, without any chance for consideration under the 5-minute rule because the Congress did not have time to consider it otherwise.

I think the fact that we are stopping here at 1:50 in the afternoon makes it very plain that we do indeed have time, that that is a sham, and that we are seeing a sham perpetrated under the House rules on a regular basis.

THE NATIONAL LOW-INCOME HOUSING COALITION AGENDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. COYNE) is recognized for 5 minutes.

● Mr. COYNE. Mr. Speaker, later this month, delegates to the Second National Conference of the National Low-Income Housing Coalition will meet in Washington to develop an action plan for a people-oriented housing policy.

The topics the conference will consider are those which we in the Congress must debate: Vouchers versus section 8 existing housing, shelter for the homeless, antidisplacement strategies, production of new rental housing, and the prevention of abandonment in public housing.

The advice of the National Low-Income Housing Coalition has always proved helpful to those of us on the House Housing and Community Development Subcommittee when we draft changes in our housing laws. I know that the ideas that come from this conference will prove useful to us as we address continuing problems.

At this point, I would like to include in the RECORD the basic recommendations of the National Low-Income Housing Coalition, recommendations from which specific proposals for action can be expected.

BASIC RECOMMENDATIONS OF THE NATIONAL LOW-INCOME HOUSING COALITION

1. Make Housing Assistance an Entitlement for All Who Need It.—An adequately funded entitlement, income-based housing assistance program is essential to enable low income people to obtain decent housing at costs they can afford. We propose housing allowances recognizing that they must be coupled both with increases in the housing supply and with changes in housing ownership and management, which we address in other portions of this statement.

2. Provide an Adequate and Affordable Supply of Housing.—Federal housing programs should support the preservation, construction or rehabilitation of an adequate and affordable supply of housing to meet the needs of low-income people and to maintain the quality and viability of neighborhoods. Until low income housing needs are met, at least 750,000 additional units of assisted housing for low income people should be added to the inventory each year.

3. Retain and Improve the Present Housing Stock to Provide Decent Housing for Lower Income People.—Our existing housing stock is a valuable national resource that must not be allowed to deteriorate. The ownership of housing should be regarded as a public trust, and all owners should have the responsibility to keep their units occupied and in decent condition. The federal government has a special responsibility to see that units which it owns or assists are maintained in viable condition and retained for low income occupancy.

4. Provide Resident Control of Housing through a Strong Role for Tenant Organizations, Limited Equity Cooperatives, Community-Based Housing Groups, and Home Owners.—Housing is an essential part of the basic fabric of our communities and neighborhoods. To a large degree, our housing affects the nature of our family and community life. Control of one's housing provides a sense of security that can be provided in no

other way. Therefore, federal housing programs should foster a variety of approaches to resident control over housing, including genuine tenant participation in decision-making, ownership of housing by community-based, nonprofit organizations, limited equity cooperatives, and individual home ownership.

5. End Displacement of Low Income People.—Displacement of low-income people by either public or private action or inaction should be ended. Under no circumstances should people be forced to leave a neighborhood where they wish to remain. When displacement from a particular unit cannot be avoided, alternative housing should be provided nearby, in the same block whenever possible. Until this objective is achieved, federal policies and programs should provide immediate and adequate protection for people threatened by displacement.

6. Strengthen and Enforce Fair Housing Laws and Equal Opportunity Requirements.—To protect against discrimination in housing, the present federal fair housing law must be aggressively enforced and strengthened to provide for effective administrative enforcement procedures, and expanded to protect persons with disabilities and families with children. Housing choices for low income families must be geographically expanded, especially in relationship to job opportunities.

7. Reform Federal Tax Laws to Reflect Priority for Aiding People with the Greatest Housing Needs.—The enormously costly and inefficient housing subsidies that are now provided through the tax code should be changed to direct them where they are needed and productive. Mortgage interest and property tax deductions should be converted to tax credits, and the amount of these credits should be capped at a level which will protect low and middle income home owners while curtailing subsidies to people who do not need them to obtain affordable housing. The additional revenue obtained by doing this should be used to meet low and middle income housing needs.

8. Provide the Financing Needed to Preserve, Build, and Rehabilitate Housing.—Monetary and credit policies should be shaped to provide reasonable financing costs for housing and limit credit-related fluctuations which increase the costs, prices, and rents of all housing. Affordable property insurance and affordable financing for the purchase, renovation and improvement of housing should be available in all neighborhoods, without discrimination of any kind.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KASTENMEIER (at the request of Mr. WRIGHT), on June 5 and 6, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. HANSEN of Utah) to revise and extend his remarks and include extraneous material:)

Mr. CRAIG, for 60 minutes, on June 20.

(The following Members (at the request of Mr. DASCHLE) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. AUCOIN, for 5 minutes, today.
Mr. COYNE, for 5 minutes, today.
Mr. GONZALEZ, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HANSEN of Utah) and to include extraneous matter:)

Mr. MOORHEAD.
Mr. WILLIAMS of Ohio in two instances.
Mr. CLINGER.
Mr. YOUNG of Florida.
Mr. MARRIOTT.

(The following Members (at the request to Mr. DASCHLE) and to include extraneous matter:)

Mr. FRANK.
Mrs. BURTON of California.
Mr. HAMILTON.
Mr. OTTINGER.
Mr. ASPIN.
Mr. JONES of North Carolina.
Mr. VENTO.
Mr. ERDREICH in two instances.
Mr. FAZIO.
Mr. UDALL.
Mr. ROE.
Mr. FORD of Michigan.
Mr. DURBIN.
Mr. DE LA GARZA.
Mr. LEVINE of California.
Mr. SCHEUER.
Mr. LELAND.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on June 4, 1984 present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 5287. An act to amend title III of the Higher Education Act of 1965 to permit additional funds to be used to continue awards under certain multiyear grants;

H.R. 3547. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to extend the authority of the Mayor to accept certain interim loans from the United States and to extend the authority of the Secretary of the Treasury to make such loans;

H.R. 5308. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia; and

H.J. Res. 487. Joint resolution to designate June 6, 1984, as "D-day National Remembrance."

ADJOURNMENT

Mr. GLICKMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 6, 1984, at 10 a.m.

EXECUTIVE COMMUNICATIONS ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3460. A letter from the Architect of the Capitol, transmitting his semiannual report on expenditures of appropriations from October 1, 1983 to March 31, 1984, pursuant to Public Law 88-454, section 105(b), to the Committee on Appropriations.

3461. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 139(b) of title 10, United States Code, to exempt the Secretary of Defense from the contract award report requirement in two additional instances; to the Committee on Armed Services.

3462. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "1983, Annual Report on Lottery and Charitable Games Board", pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

3463. A letter from the Director, District of Columbia Law Revision Commission, transmitting the Commission's annual report for the year ending March 31, 1984; to the Committee on the District of Columbia.

3464. A letter from the Assistant Secretary for Educational Research and Improvement, Department of Education, transmitting the ninth annual report of the Advisory Council on Education Statistics, pursuant to DEPA, section 406(d)(1) (88 Stat. 556); to the Committee on Education and Labor.

3465. A letter from the Assistant Secretary for Educational Research and Improvement, Department of Education, transmitting the eighth annual report of the Advisory Council on Education Statistics, pursuant to GEPA, section 406(d)(1) (88 Stat. 556); to the Committee on Education and Labor.

3466. A letter from the Assistant Secretary for Vocational and Adult Education, Department of Education, transmitting the annual report of the National Center for Research in Vocational Education's Advisory Council for fiscal year 1983, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

3467. A letter from the Assistant Secretary for Vocational and Adult Education, Department of Education, transmitting the annual report of the Community Education Advisory Council for the calendar year 1982, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

3468. A letter from the Chairman, National Advisory Council on Adult Education, transmitting the annual report of the National Advisory Council on Adult Education for 1982, pursuant to Public Law 89-750, section 311(d); to the Committee on Education and Labor.

3469. A letter from the Chairman, National Advisory Board on International Educa-

tion Programs, Department of Education, transmitting the annual report of the National Advisory Board on International Education Programs for calendar year 1982, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

3470. A letter from the Chairman, National Advisory Council on Bilingual Education, Department of Education, transmitting the Council's eighth annual report on the condition of bilingual education in the United States and on the administration of the Bilingual Education Act, pursuant to ESEA, section 732(c) (92 Stat. 2280); to the Committee on Education and Labor.

3471. A letter from the Chairperson, National Advisory Council on Vocational Education, transmitting the Council's 1982 annual report, pursuant to Public Law 88-210, section 162(b)(2) (90 Stat. 2200); Public Law 93-203, section 503(5)(B) (92 Stat. 2003); to the Committee on Education and Labor.

3472. A letter from the Chairperson, National Advisory Council on Indian Education, transmitting the Council's 10th annual report (October 1982-September 1983), pursuant to Public Law 92-318, section 442(b)(6); to the Committee on Education and Labor.

3473. A letter from the Chairperson, National Advisory Council on Bilingual Education, Department of Education, transmitting the Council's seventh annual report on the condition of bilingual education in the United States and on the administration of the Bilingual Education Act, pursuant to ESEA, section 732(c) (92 Stat. 2280); to the Committee on Education and Labor.

3474. A letter from the Delegate, National Board of the Fund for the Improvement of Postsecondary Education, Department of Education, transmitting the annual report of the National Board of the Fund for the Improvement of Postsecondary Education for fiscal year 1983, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

3475. A letter from the Delegate, National Board of the Fund for the Improvement of Postsecondary Education, Department of Education, transmitting the annual report of the National Board of the Fund for the Improvement of Postsecondary Education for calendar year 1982, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

3476. A letter from the Designated Department Official, National Advisory Committee on Accreditation and Institutional Eligibility, Department of Education, transmitting the annual report of the National Advisory Committee on Accreditation and Institutional Eligibility for 1983, pursuant to HEA, section 1205(e) (94 Stat. 1495); to the Committee on Education and Labor.

3477. A letter from the Designated Federal Official, National Advisory Council for Career Education, Department of Education, transmitting the annual report of the National Advisory Council for Career Education for calendar year 1982, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

3478. A letter from the Executive Director, National Advisory Council on Indian Education, transmitting the Council's ninth annual report, calendar year 1982, pursuant to Public Law 92-318, section 442(b)(6); to the Committee on Education and Labor.

3479. A letter from the Executive Director, National Advisory Council on Vocational Education, transmitting the annual report of the National Advisory Council on Vocational Educational for 1983, pursuant to Public Law 88-210, section 162(b)(2) (90 Stat. 2200); Public Law 93-203, section 503(5)(B) (92 Stat. 2003); to the Committee on Education and Labor.

3480. A letter from the Secretary of Education, transmitting a copy of a report entitled "The Nation Responds"; to the Committee on Education and Labor.

3481. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed manufacturing license agreement for the production in Israel of DR810 MKII and MKIII muzzle velocity radars for use by the Israeli Army, pursuant to AECA section 36 (c) and (d) (90 Stat. 743; 94 Stat. 3136; 95 Stat. 1520); to the Committee on Foreign Affairs.

3482. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of an automated air defense operations center and associated equipment to the Hashemite Kingdom of Jordan (transmittal No. MC-11-84), pursuant to AECA, section 36(c) (90 Stat. 743; 94 Stat. 3136; 95 Stat. 1520); to the Committee on Foreign Affairs.

3483. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112(a) (92 Stat. 993); to the Committee on Foreign Affairs.

3484. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a draft of proposed legislation to authorize U.S. participation in the International Jute Organization; to the Committee on Foreign Affairs.

3485. A letter from the Chief Scout Executive, Boy Scouts of America, transmitting the 1983 annual report of the Boy Scouts of America, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

3486. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army, dated October 9, 1979, submitting a report, together with accompanying papers and illustrations, on modifications to Grand Haven Harbor, Mich. These reports are in response to a resolution adopted March 1, 1950, by the U.S. House of Representatives Committee on Public Works (H. Doc. No. 98-227); to the Committee on Public Works and Transportation and ordered to be printed.

3487. A letter from the Secretary of State, transmitting information on the verdict that was handed down in the case of the five ex-national guardsmen charged with the December 2, 1980, murder of four American churchwomen in El Salvador; jointly, to the Committees on Foreign Affairs and Appropriations.

3488. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to promote sharing of alcohol and drug dependence and abuse treatment resources between the Veterans' Administration and the Department of Defense; jointly, to the Committees on Veterans' Affairs and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina. Committee on Merchant Marine and Fisheries. H.R. 5447. A bill to establish national standards for the construction and siting of artificial reefs in the waters of the United States in order to enhance fishery resources and fishing opportunities, and for other purposes; with amendments (Rept. No. 98-819 Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JONES of North Carolina (for himself, Mr. BIAGGI, Mr. PRITCHARD, and Mr. DAVIS) (by request):

H.R. 5774. A bill to require tonnage measurement of vessels engaged on international voyages and within the jurisdiction of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. EDGAR (by request);

H.R. 5775. A bill to amend title 38, United States Code, to extend the authority of the Veterans' Administration to conduct certain health care programs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5776. A bill to amend title 38, United States Code, to grant discretion to the Administrator to administer garage and parking appropriations and fees as a revolving fund; to the Committee on Veterans' Affairs.

By Mr. JEFFORDS:

H.R. 5777. A bill to amend title 28 of the United States Code to provide for holding terms of the U.S. District Court for the District of Vermont at Bennington; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.R. 5778. A bill to amend title I of the Ethics in Government Act of 1978 to provide for more useful and effective disclosure by officials of the legislative branch, and for other purposes; to the Committee on Rules.

By Mr. LEVINE of California (for himself, Mr. DOWNEY of New York, Mr. GARCIA, Mr. BROOMFIELD, Mr. FISH, Mr. HORTON, Mr. VANDERGRIFF, Mrs. BURTON of California, Mr. RANGEL, Mr. PERKINS, Mr. EVANS of Illinois, Mrs. BOXER, Mr. ORTIZ, Mr. MARTINEZ, Mr. LAGOMARSINO, Mr. RINALDO, and Mr. HANSEN of Idaho).

H.J. Res. 583. Joint resolution to designate January 27, 1985, as "National Jerome Kern Day"; to the Committee on Post Office and Civil Service.

By Mr. LOTT:

H.J. Res. 584. Joint resolution to authorize and request the President to proclaim March 18, 1985, as "National Taste and Smell Disease Awareness Day"; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. CHAPPEL introduced a bill (H.R. 5779) for the relief of Monique Georgette Boren; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1580: Mr. HYDE.
H.R. 1742: Mr. BEDELL.
H.R. 4080: Mr. RAHALL.
H.R. 4175: Mr. KOGOVSEK, Mr. KOSTMAYER, Mr. JACOBS, Mr. DEWINE, Mr. MARTINEZ, Mr. CORCORAN, and Mr. GEKAS.
H.R. 4536: Mr. STUMP.
H.R. 4598: Mr. GEKAS.
H.R. 4642: Mr. EDGAR and Mr. PANETTA.
H.R. 4760: Mr. MARTINEZ.
H.R. 4772: Mr. HAWKINS and Mr. DENNY SMITH.
H.R. 4832: Mr. GEPHARDT.
H.R. 4905: Mrs. JOHNSON.
H.R. 5023: Mr. STRATTON, Mr. GILMAN, and Mr. GOODLING.
H.R. 5227: Mr. WEISS.
H.R. 5341: Mr. DYMALLY, Mr. FAUNTROY, Mr. CONYERS, Mr. SMITH of Florida, Mr. DIXON, and Mr. EDWARDS of California.
H.R. 5396: Mr. GILMAN.
H.R. 5550: Mr. MINETA, Mr. EVANS of Illinois, and Mr. SIMON.
H.R. 5664: Mr. ST GERMAIN and Mr. MCNULTY.
H.R. 5677: Mr. ACKERMAN, Mr. MITCHELL, Mr. MRAZEK, Mr. OWENS, Mr. LEVINE of California, Mr. MCGRATH, Mr. SMITH of Florida, and Mrs. BOXER.
H.J. Res. 360: Mr. DE LA GARZA.
H.J. Res. 504: Mrs. SCHNEIDER.
H.J. Res. 514: Mr. BIAGGI, Mr. SCHEUER, Mr. TORRICELLI, Mr. MARTINEZ, and Mr. GEPHARDT.
H.J. Res. 528: Mr. MARRIOTT, Mr. WALGREN, Mr. COYNE, Mr. PRICE, Mr. GREGG, Mr. FOGLIETTA, Mr. STOKES, Mr. DE LA GARZA, Mr. FORD of Michigan, Mr. FAUNTROY, and Mr. DANNEMEYER.
H.J. Res. 581: Mr. BOEHLERT, Mr. GINGRICH, Mr. HUGHES, Mr. DE LA GARZA, and Mr. JEFFORDS.
H. Con. Res. 69: Mr. LEVIN of Michigan, Mr. FOGLIETTA, Mr. FEIGHAN, Mr. D'AMOURS, Mr. BEDELL, Mr. LONG of Maryland, Mr. RODINO, Mr. DONNELLY, Mr. SEIBERLING, Mr. WOLPE, Mr. BOLAND, Mr. MINETA, Mr. KOSTMAYER, Mr. LANTOS, Mr. WEISS, Mr. CHANDLER, Mr. LEVINE of California, and Mrs. BOXER.
H. Con. Res. 312: Mr. VENTO, Mr. FROST, Mr. LOWRY of Washington, Mr. FRANK, Mr. GOODLING, Mr. SMITH of Florida, Mrs. BYRON, Mr. LENT, Mr. BROWN of California, Mr. BLILEY, Mr. FLIPPO, and Mr. DUNCAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3282: Mr. ANNUNZIO.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

381. By the SPEAKER: Petition of the City Council of Duluth, Minn., relative to health care for veterans; to the Committee on Veterans' Affairs.

382. Also, petition of the City Council of Houston, Tex., relative to industrial development bonds; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5504

By Mr. MINETA:

—Page 61, line 18, before the period insert the following: "; amounts stipulated for each fiscal year under full funding contracts executed under such subsection before October 1, 1984; and, in the case of projects for which letters of intent have been issued under such subsection before October 1, 1984, but for which full funding contracts have not been executed before such date, amounts stipulated for each fiscal year under such letters of intent.".

SENATE—*Tuesday, June 5, 1984*

The Senate met at 11 a.m. and was called to order by the Honorable DANIEL J. EVANS, a Senator from the State of Washington.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Gracious Father in Heaven, we acknowledge the abundance which Thou hast lavished upon us. We live in luxury compared to most people in the world including many in our land—some just a few blocks from this building. We always have more than enough of everything while most never have enough of anything. We live in comfort, freedom, and security—many are oppressed, persecuted, perennially unsafe and in bondage. Help us, Lord, never to be isolated from—insulated against—or indifferent to those who suffer indignity, poverty, hunger, and disease without relief.

The New Testament identifies ingratitude with godlessness—save us from the idolatry of things and help us never to take for granted common benefits and presume upon Thy goodness. May we be compassionate and unselfish in our private lives and in our public responsibility. In the name of Him who was love incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 5, 1984.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL J. EVANS, a Senator from the State of Washington, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. EVANS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, today the Senate convenes pursuant to the adjournment of yesterday. Under the order previously entered, the reading of the Journal is dispensed with, no resolutions may come over under the rule, the call of the calendar has been dispensed with, and morning hour has been deemed to have expired.

Mr. President, this is no surprise, of course, to the minority leader as to why that was done yesterday. It created a new legislative day in the Senate with respect to the availability of measures which have now reached the calendar. I am thinking particularly of the defense authorization bill. The 3-day rule on the defense authorization bill, I believe, will expire at 2:58 p.m. today. The 1-day rule will have expired by reason of the adjournment.

There is also a budget waiver resolution which was reported on yesterday by the Budget Committee.

All of this was in preparation for asking the Senate to turn to the consideration of the DOD authorization bill, perhaps this afternoon.

Before we do that, however, Mr. President, it would be the hope of the leadership on this side that we can complete debate and action on the Wilkinson nomination.

Mr. President, I have conferred with the minority leader on that. He has not yet been able to give me a reply, but I am mentioning it now so Senators on both sides of the aisle may be aware of the desire of the leadership on this side in that respect.

I can see in my mind's eye the possibility of taking up and completing action on the Wilkinson nomination today and then be in a position to lay down the defense authorization bill late today so that it will be the pending business on tomorrow, or some reasonable variation thereof.

For the time being, Mr. President, after the opening formalities are dispensed with, including the time for the transaction of routine morning business and the recess which occurs regularly on Tuesdays—which I am about to ask the Senate to order—the Senate will resume consideration of the bankruptcy bill, at which time the Packwood amendment will be the pending question.

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M. TODAY

Mr. President, I ask unanimous consent that at the hour of 12 noon today the Senate stand in recess until the hour of 2 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Of course, this is to accommodate the requirement for Senators to attend caucuses by both parties, which are held away from the Senate Chamber.

Mr. President, I do not anticipate that today will be a late day, but, once more, I do expect us to be in for a full week, including Friday.

Mr. President, there is a messenger at the door from the House of Representatives.

MESSAGES FROM THE HOUSE

At 11:08 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5713. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1985, and for other purposes.

APPROPRIATIONS BILLS

Mr. BAKER. Mr. President, I would note that that is, I believe, the second of the regular appropriations bills from the House of Representatives. I should have said earlier that I hoped in addition to the Wilkinson nomination and the DOD authorization, that we can do at least these appropriations bills. I talked to the chairman of the Appropriations Committee this morning and I believe we may be in a position to take up the energy-water appropriations bill later this week. It would be the intention of the leadership on this side to attempt to do so before the week is out.

Mr. President, if I have any time remaining, I yield it back, unless the minority leader wishes to claim it with his time.

Mr. BYRD. Mr. President, I thank the majority leader.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the minority leader is recognized.

THE PERSIAN GULF WAR AND THE NATION'S ENERGY PREPAREDNESS

Mr. BYRD. Mr. President, yesterday's Washington Post carried several stories on the war in the Persian Gulf, and the administration's approach to addressing the domestic consequences of a major oil supply disruption. These stories make it clear that the situation in the Persian Gulf continues to deteriorate, and that we are not prepared to deal with the economic effects of a major oil supply disruption.

The first article reported that, on Sunday, Iraqi missiles hit and damaged another tanker in the gulf. The second article, entitled "U.S. Expects Gulf Crisis to Worsen," reports that the State Department is "'certain' that Iran will launch a full-scale ground attack into Iraq, probably on the Basra front, with the 300,000 to 500,000 Iranian troops that have been massed along the border for several months." I think it is important to point out that Basra is a key center in Iraq's oil industry, so a successful Iranian attack would be a major blow to Iraq's economy.

If the Iranians were successful in their attack, they would be at the gates of the oilfields in southern Iraq, and only about 30 miles from Kuwait, one of Iraq's major financial supporters in the war. One might hope that Iran may not be in a position to further expand the war by attacking Kuwait. However, even without launching an attack, Iran could be in a position to exert more and more influence over Arab OPEC oil policies. That is a prospect which I do not find particularly comforting.

I was especially concerned by the third Post article entitled "In Persian Gulf Crisis, DOE Plans To Let Market Allocate Oil and Set Price." According to the article:

> After studying what the government should do here if the conflict in the Persian Gulf seriously disrupts the world's oil supplies and an energy crisis develops, the Department of Energy has decided to do as little as possible.

This is particularly distressing, since administration officials are expecting significant oil price increases in the event of such a crisis.

This news did not come as a surprise to me because, in a recent appropriations subcommittee hearing, this is what the testimony of administration officials amounted to. Last year, the Department of Energy estimated that the price of oil could go as high as $98 a barrel in a severe oil supply disruption.

The Post has reported that a more recent DOE simulation, which involved a drawdown of oil from the strategic petroleum reserve, resulted in oil prices rising to between $40 and $80 per barrel. This would be a price increase of 40 and 180 percent, respectively, above the current world crude oil price of circa $29 per barrel. These higher prices would lead to immediate increases in the price of gasoline and other petroleum products.

In the face of substantial price increases, the Post reports, the administration says it will not use its authority to allocate oil supplies, or to control prices. Energy Secretary Hodel is quoted as saying that, "We have got to remain firm, and be willing to take the bumps that occur from relying on the market." Mr. President, what this means is that the administration's approach is to let oil go to those who can pay the price.

There is no basic plan on the part of the administration at this time with reference to the allocation of oil in the event of a severe national emergency. This was the sum and substance of the testimony of administration officials before the subcommittee to which I referred a moment ago. That subcommittee of the Appropriations Committee raised this question at the subcommittee meeting during the week prior to the Memorial Day break. From the responses it was obvious the administration had no plan and does not intend to develop one. It is going to rely, instead, upon market forces entirely.

I see that the President is urging our allies to plan for such an emergency and to draw down from their reserves of oil earlier than they might otherwise anticipate doing so as to lessen the risks of suddenly increasing the price of oil. The ironic thing to me is that while the President and others in the administration are advocating that our allies make plans, the administration itself has no plan for allocating oil in our country so that, indeed, what it means is that the administration's approach is to let oil go to those who can pay the price. In other words, who has the bucks gets the oil.

The administration has no plans for allocation which would provide fair distribution of the oil to the elderly or to hospitals or to coal miners and steelworkers and factory workers who have to drive considerable distances to and from work. This is not laissez-faire but less-than-fair.

The economic burdens of another oil price shock would be borne disproportionately by disadvantaged groups, such as the poor and the elderly. Oil price increases of the magnitude estimated by DOE officials would have a devastating impact on the lives of the people in my State of West Virginia, who have rugged terrain and must travel long distances to work. West Virginia is an energy storehouse, with coal for the Nation. West Virginia also produces other forms of energy. Oil price increases and supply interruption would have an impact on people all over this country who depend upon gasoline and diesel fuel to operate factory equipment and mining equipment. The Nation's farmers, who are already facing economic hard times, would have to face grim prospects of drastically higher fuel bills to run their tractors and combines, to dry grain, and to get their crops to market.

Mr. President, as the Persian Gulf war intensifies, I am more and more concerned that this administration's approach to energy emergency preparedness is far too limited to deal adequately and fairly with the problems this Nation will face in the event of a major oil disruption.

We could make it for a time. We are far less dependent than are our allies on oil from the Middle East. We could not turn our faces aside, however, from the very serious and perhaps critical impact on the economies of those countries in the event of a major oil shutoff. We would not escape unscathed even though, as I say, we presently are not, to my knowledge, as dependent as some of our allies are. We would have to eventually, if not immediately, help to supply our West European allies, help to supply Israel and Japan, and this would have an unfortunate impact upon the price and supply here in this country.

When I asked the Assistant Secretary for International Affairs and Energy Emergencies, Helmut Merklein, what the administration's plans are for allocating oil in this country during an emergency, he just went round and round. I could never get any straight answer. There was all of this beating around the bush and dancing around the head of a pin. Of course, I was listening carefully, and by listening carefully one can detect when the witness is not answering the question. So after having asked several times, I knew that there was obviously no plan.

Even more disquieting is the testimony Mr. Merklein gave in 1981 before a House subcommittee. And granted, this was prior to his nomination as Assistant Secretary, but Mr. Merklein said last month that he stands by the testimony he gave in 1981.

In 1981, Mr. Merklein testified:

> It is not a question of having oil or not having oil. It is a question of having a little less oil at a higher price . . . The question rather is in terms of the sacrifice we will have to bear in an emergency. Whether people would agree, for example, to live in the wintertime for 90 days in a home where only one room is heated.

So there you have it. We advise other nations to plan, but we ourselves have nothing by way of plans except to depend upon market forces.

Mr. President, I ask unanimous consent that the articles from the Washington Post to which I have referred be printed in the RECORD at this point, together with a June 4, New York Times story carrying the headline

"Reagan To Offer Plan for Coping With Oil Crisis."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

REAGAN TO OFFER PLAN FOR COPING WITH OIL CRISIS

(By Robert D. Hershey Jr.)

WASHINGTON, June 4.—President Reagan has taken to the economic summit meeting a United States plan calling for joint allied action in case of a major oil disruption in the Persian Gulf, a State Department official disclosed today.

The plan calls on Europe and Japan to draw on their stocks of crude oil quickly to avoid a suddent shortage in wholesale and retail markets. Such a response might be made without waiting for world oil supplies to fall by 7 percent, the point where the existing oil-sharing agreement administered by the Paris-based International Energy Agency would be activated. The agreement was drafted after the 1973-74 Arab oil embargo.

Mr. Reagan's proposal also calls for allied governments to request that oil companies sharply limit purchases in the spot market to avoid driving up prices and to take other steps to discourage industrial hoarding of fuel and panicky buying of gasoline.

Meanwhile, Defense Department officials said today that the Reagan Administration has dispatched to Saudi Arabia an Awacs warning and control aircraft equipped with radar that can detect ships as well as aircraft. American intelligence officials said signs were accumulating that Iran might finally launch its long-expected offensive against Iraqi positions near the port of Basra.

The Awacs deployment, which took place over the weekend, will vastly improve the ability of the United States Air Force to furnish Saudi Arabia with air and naval intelligence in the Persian Gulf, the officials said.

The new Awacs has the ability to transmit to a Saudi military operations center information on movements of both aircraft and ships as they are moving over or on the surface of the Persian Gulf, in what military officers call "real time"—that is, almost immediately.

Saudi fighter pilots, according to analysts here, can see where attacking Iranian fighters are headed but in waters crowded with ships have to guess at targets.

The dispatch of the new Awacs, one of 10 in a fleet of 34 such planes in the Air Force, appears not only to improve the ability of the Saudis to defend oil tankers and other ships in the Gulf but also to increase the United States engagement in the region.

Although Mr. Reagan is not expected to press in London for formal agreement to the new oil strategy, he was said to be "prepared" to propound its merits and ask that it be considered by the other six governments, according to the State Department official.

The summit meeting that begins Thursday takes place when persistent attacks on shipping in the Persian Gulf threaten much of the supplies of Europe and Japan. The United States receives only about 3 percent of its oil from the gulf but recognizes that the consequences of a cutoff could quickly be felt in this country as well.

"We can't isolate our market from the world market," the State Department official said. "Oil is a fungible commodity," meaning that it is a more or less uniform commodity that can easily be moved from one place to another.

The key to the strategy, devised over recent months by an interagency task force representing seven or more agencies, is to move quickly to head off the panic-buying and hoarding that helped double prices in 1979 after the revolution in Iran.

The Government also believes that early agreement, at least in principle, for "joint, mutually supportive action" might help prevent the fighting from increasing to the point where military action would become necessary. President Reagan has on several occasions said the United States would use force to keep the gulf open to international shipping.

"The more we can demonstrate we're prepared to deal with that situation, the less likely it is that the situation arises," the official said, Iraq and Iran, which have been at war for three and a half years, are heavily dependent on oil revenues and would be less likely to close the gulf if they knew it would not increase—and could reduce—their economic leverage, he suggested.

The American plan is based on the assumption here that the world oil and economic situation could become critical long before the 7 percent shortfall in supplies needed to activate the I.E.A. sharing agreement was reached.

Although there is now ample spare production capacity, enough to bring supply and demand into balance in almost any foreseeable circumstance, this process would probably take too long, the American official said.

"The problem is the economic cost of getting it into balance," he declared, noting that here could well be unacceptably high inflation, employment and other side-effects in the interim.

IRAQIS SET ABLAZE TURKISH TANKER SOUTH OF KHARG

(By Jonathan C. Randal)

KUWAIT, June 3.—An Iraqi Exocet missile set an empty Turkish oil tanker ablaze 50 miles south of Kharg Island today as Iraq pressed its war against shipping in Iranian waters.

The 153,000-ton tanker Buyuk Hun was hit in its crew quarters by the French-manufactured missile, fired from a Super Etendard fighter-bomber, according to Iranian military sources. They said all 39 crewmen were picked up by two Iranian tugs and a Coast Guard vessel south of Iran's main oil terminal on Kharg Island, where the tanker was to take on oil. A Turkish Foreign Ministry source in Ankara said three crewmen were hospitalized at Kharg, apparently having been wounded.

Marine sources monitoring radio broadcasts in the Persian Gulf heard the captain scream, "My ship is damaged," shortly after 10 a.m. That was several hours before Baghdad radio quoted a military spokesman as saying Iraqi aircraft had scored "accurate and effective" hits on "two large naval targets" and returned safely to base. There was no other word of a second attack.

The raid against the Buyuk Hun was the first since the United Nations Security Council indirectly condemned Iran Friday for attacking neutral shipping outside Baghdad's unilaterally declared exclusion zone surrounding Kharg Island.

Iran's official Islamic Republic News Agency said the attack was a direct result of the U.N. action: "Iran believes that the Security Council resolution, because of having failed to condemn the Iraqi regime, has provided the Iraqi government with an official permission to continue its attacks on the oil tankers."

The last previously confirmed attack on a ship was on May 24, when a U.S.-made Phantom jet of the Iranian Air Force damaged an empty Liberian-registered naptha tanker off Saudi Arabia.

The attack on the Buyuk Hun underlined Iraq's determination to stop all Iranian oil exports as a way to deprive Tehran of the means of continuing the 44-month-old war.

Turkey has good relations with both sides in the war. But since Iran destroyed Iraq's outlet to the Persian Gulf, the oil terminal at Fao, shortly after the war began—and since Syria closed the pipeline to the Mediterranean in 1982—the only Iraqi crude exported runs through the so-called "strategic pipeline" across Turkey to the Mediterranean port of Iskanderun.

Last week, Turkish Prime Minister Turgut Ozal was told by Iraqi officials during a visit to Baghdad that all shipping in the exclusion zone would be attacked regardless of its flag.

Iran, which has refrained from a policy of strict tit-for-tat retaliation after every claimed Iraqi air strike, served notice again today that Saudi Arabia, Kuwait and its four Arab partners in the Gulf Cooperation Council must stop bankrolling Iraq or face "the consequences."

"There can be no partial security of this waterway," said a statement by the Iranian Foreign Ministry, adding that "preventing Iranian oil exports will lead to the destruction of all exports in this region."

Since Iraq stepped up its attacks on shipping in Iranian waters in late April, oil sources have said Iranian oil exports needed to finance Tehran's war effort have declined from 1.8 million barrels a day to 700,000.

Meanwhile, Tehran radio announced that at the Kremlin's request an important Iranian Foreign Ministry official had flown to Moscow on a mission that informed sources said could be intended to persuade the Soviet Union to curtail its massive arms deliveries to Iraq.

The departure of Sayyid Mohammed Sadr, head of the ministry's Europe and Americas department, marked the first such high-level contact with the Soviets since early 1983 when Tehran cracked down on the pro-Moscow Tudeh, or Iranian communist, party.

The Soviets then abandoned an even-handed policy toward the belligerents and resumed arms deliveries to Iraq.

In another development Yosio Hatano, director general of the Japanese Foreign Ministry's Africa and Middle East department, arrived in Tehran, according to Iranian radio. He was quoted as refusing to mediate in the war, which has endangered oil supplies for Japan. Japan is dependent on gulf production for 65 percent of its crude, much more than is the case for Western Europe. The United States takes 3 percent of its oil imports from this area.

UNITED STATES EXPECTS GULF CRISIS TO WORSEN

(By Don Oberdorfer)

Reagan administration officials who have reacted with caution and calculation to the latest upsurge of military conflict in the Persian Gulf, say they are convinced that the crisis will become more serious and U.S. decisions more difficult in the months ahead.

A senior State Department official said it is "certain" that Iran will launch a full-scale ground attack into Iraq, probably on the Basra front, with the 300,000 to 500,000 Iranian troops that have been massed along the border for several months.

The official also anticipated more air attacks by both Iraq and Iran against oil shipping in the Persian Gulf, with a growing danger of involving Saudi Arabia and other Arab oil sheikdoms in the hostilies.

The administration's provision of Stinger antiaircraft missiles and in-flight refueling services for Saudi Arabia and backing for an Arab resolution in the U.N. Security Council are symbols of a policy of limited and indirect U.S. involvement adopted in a recent series of National Security Council meetings.

These decisions were rooted in more than a decade of internal U.S. government adopted in a recent series of National Security Council meetings.

These decisions were rooted in more than a decade on internal U.S. government discussion of Persian Gulf security and nearly a year of active contingency planning as the current crisis slowly developed.

The stakes for the United States, its allies and its adversaries are very high. Although only 3 percent of the oil currently consumed in the United States originates in the gulf area, a White House official said, the global petroleum market operates as a pool and "we couldn't possibly isolate ourselves in case of a temporary interruption."

A large-scale, long-lasting interruption of the flow of gulf oil could not have a disastrous effect on the world economy, which has not yet fully recovered from the quadruping of global oil prices as a result of the 1973 oil embargo by the Organization of Petroleum Exporting Countries and the redoubling of global oil prices following the fall of the shah of Iran in 1979. This worst-case possibility remains a dark cloud over all of the President Reagan's domestic and international economic policies and his prospects for reelection.

At the outbreak of the Iran-Iraq war in September, 1980, the Carter administration, after a passionate high-level debate, sent Air Force Airborne Warning and Control System (AWACS) aircraft to help protect Saudi Arabia. Zbigniew Brzezinski, then national security affairs adviser, wrote in his memoirs that Secretary of State Edmund S. Muskie objected that "we are plunging headlong into World War III."

After the Reagan administration came to power, the United States was involved only peripherally in the continuing gulf conflict and the administration paid little heed despite the staggering human toll from the long, grinding war.

High-priority contingency planning in the National Security Council's Crisis Pre-Planning Group was touched off by Iraq's assessment last summer that it was losing a "war of attrition" to larger, wealthier Iran. In a decision first relayed to Washington through intelligence reports and later presented bluntly to Undersecretary of State Lawrence S. Eagleburger by an Iraqi envoy, Iraq acquired new French Super-Etendard warplanes and Exocet missiles to attack Iranian oil-export facilities and shipping in the gulf in an attempt to bring the war to a swift if dangerous climax.

In more than a half dozen fullscale NSC meetings involving Reagan, and many more planning and policy-making sessions at lesser levels, the administration developed U.S. responses that can be grouped in four areas:

U.S. and global oil preparedness. Two special NSC committees—on U.S. energy security and international economic preparedness—have been meeting since January. Detailed preparations were made to use the U.S. Strategic Petroleum Reserve quickly to forestall panic in the event of a gulf shutoff. Other countries were asked to increase their strategic reserves.

The current oil glut, an unprecedented degree of international consultation among oil-consuming countries in recent months and the existence of strategic reserves have created many options for U.S. policy makers in dealing with a disruption. "We're prepared" on the oil front, a White House official said.

Nonmilitary support for Iraq. Administration officials concluded late last year that an Iraqi defeat and a resounding victory for Iran's Islamic revolutionaries would be "contrary to U.S. interests." Gulf Arab states were informed of this by a State and Defense Department mission early last December.

The administration also encouraged a Japanese initiative led by Deputy Foreign Minister Toshijiro Nakajima, who sought to persuade Iran to permit Iraq to resume its oil exports through the gulf. These had been stopped by Iranian attacks in the early days of the war. In return, Iraq would ease its attacks on Iranian oil exports, and Japan would restart work on a long-dormant Iranian petrochemical project. The deal was rejected in Tehran late in January.

The Reagan administration encouraged the improvement of an Iraqi oil-export pipeline across Turkey and the construction of pipelines across Saudi Arabia and Jordan so more Iraqi oil could be exported even though the traditional Persian Gulf tanker route remains closed to Baghdad. The administration was particularly involved in the Jordanian pipeline to the Gulf of Aqaba and is fully behind an effort by Bechtel Group Inc., the big construction combine, to develop the project with Export-Import Bank financing, according to officials.

Denial of arms to Iran; restraints on Iraq. The administration mounted a worldwide campaign headed by former Middle East envoy Richard Fairbanks to shut off the flow of military supplies to Iran. Officials believe this had substantial success with European nations and South Korea. They said there also are "inscrutable" indications that China may hold back on a large arms shipment that had been expected to go to Tehran.

The situation with Iraq is more complicated. The United States is tacitly backing Iraq by saying it should not be permitted to lose the war, yet it wishes to avoid the supply to Iraq of weapons that could escalate the conflict into an international crisis.

U.S. arms sales are banned to both combatants. For a brief period last fall, the administration opposed U.S. military backing for Saudi Arabia and other Persian Gulf Arab states. This has been a central issue for policy makers ever since the British announced their withdrawal from the oil-rich area "east of Suez" in 1968, and especially since the fall of the shah in 1979 eliminated the most powerful local "pillar" for the United States.

A series of missions to the area since last fall, particularly a trip in April by Assistant Secretary of State Richard W. Murphy and Rear Adm. John M. Poindexter, deputy White House national security affairs adviser and chairman of the Crisis Pre-Planning Group, acquainted the Arab states with what the United States is and is not able to do under present circumstances.

These points were made even more explicit in a May 21 letter from Reagan to Saudi Arabia's King Fahd, the text of which has not been released, and in recent public statements by U.S. spokesmen.

If the Saudis and others wish direct U.S. military involvement in their defense, they will need to request it publicly, they were told. For such involvement to be effective on any but the most temporary missions, U.S. military forces would have to be granted access to such facilities as airfields, logistical depots and ports.

Those points, while sometimes assumed or understood by U.S. officialdom, were made explicit and definite in the recent maneuverings, in part because the legacy of failure in Lebanon left the administration very sensitive about both political and military support for faraway intervention.

Short of large-scale intervention, administration officials agreed to provide weaponry and training to help the Saudis and, to a degree, other Arab countries, defend themselves. Such indirect U.S. assistance is exemplified by the Stingers and in-flight refueling for Saudi Arabia announced last week.

The gulf states insisted, in reply to U.S. messages, that they are determined to handle their own defense, diplomatically and militarily. That is what they are doing now and, by many reports, are preparing to do more of in the future through an Arab "safety zone" for neutral shipping in the gulf. Administration officials have expressed strong hopes that the Arabs succeed.

In Persian Gulf Crisis, DOE Plans To Let Market Allocate Oil and Set Price

(By Dale Russakoff)

After studying what the government should do here if the conflict in the Persian Gulf seriously disrupts the world's oil supplies and an energy crisis develops, the Department of Energy has decided to do as little as possible.

The Reagan administration has vowed to rely on the marketplace rather than government intervention, although Energy Secretary Donald P. Hodel has emphasized that this does not mean his department would stand by idly.

He said it would move quickly to sell oil from the 400-million-barrel Strategic Petroleum Reserve to stem shortages and brake rises in the price of oil. It also would mount a campaign to prevent panic and reduce oil consumption, he said.

But the key difference between this approach and those of Presidents Richard M. Nixon and Jimmy Carter in the crises of the 1970s lies in what the administration will not do.

It will not use its power to allocate supplies in the event of shortages or to control what is certain to be an oil price increase of 25 percent or more, according to officials.

"We are strongly committed as an administration to the proposition that we must not permit the government to be brought in to try to allocate this tremendously complex and diversified energy system of ours," Hodel told reporters recently. "When that has been done in the past, it has not worked at all. It has been a miserable failure."

As an example, he recalled the 1979 crisis when the government allocated a surplus of oil to vacation areas, adding to gas station lines in cities and keeping would-be tourists away from the gas-rich resorts.

"We have got to remain firm, and be willing to take the bumps that occur from relying on the market . . . ," Hodel said, "because we will get the same bumps, only they will be much harder . . . if we create a federal bureaucracy trying to manipulate this economic system."

Congress has sternly opposed this hands-off approach.

While many economists agree with the administration that the market would allocate oil more effectively than the government, they and many legislators warn that the administration is unprepared to deal with serious shortages that could develop in key sectors, such as agriculture, or with the economic hardship on the poor.

Congress voted by a large margin in 1982 to give standby authority to the White House to impose allocation and price controls in an energy emergency for 90 days, in the event of shortages or economic distress in certain regions. President Reagan vetoed the bill, calling it unnecessary.

Senate Energy and Natural Resources Committee Chairman James A. McClure (R-Idaho), who sponsored the measure although he embraces the administration's free-market philosophy, warned that a real crisis would bring such a clamor for regulation that Congress might impose harsher controls than those in his bill—and in a more chaotic atmosphere.

As tensions heighten in the Persian Gulf, farmers, independent gas marketers, low-income groups, governors, mayors and others already are calling on the government to give them special protection in the event of a crisis.

"There is no product in the United States that is as uniquely universal and unsubstitutable," said Jack Blum, an attorney representing the Independent Gasoline Marketers Council. "If you deprive folks of gasoline, the impact is just absolute and catastrophic. You can't go anywhere. And that is why the political impact would be overwhelming."

Economists and administration officials say a significant cutoff of oil from the gulf would create an immediate spurt in domestic prices even though the United States has cut its gulf imports to about 770,000 barrels a day, a 2-million-barrel per day reduction since the last crisis.

That is because in a cutoff, U.S. buyers would compete with those from Japan and Europe, which are heavily dependent on imports from the gulf. Oil would flow to the high bidder, and the world market would set prices at home and abroad.

"I liken the situation to being in a swimming pool . . . ," said Hodel. "We may be at the end a long way away from the plug, but if somebody pulls that plug, the level of the water . . . is going to go down for all of us."

In a simulated Middle East oil crisis last May and June, in which the government did not tap the Strategic Petroleum Reserve, the department said domestic oil prices almost would have tripled to $98 a barrel.

A recent DOE simulation, taking the reserve into account, said they would rise to between $40 and $80 a barrel, but it posited a large interruption involving more than just imports from the gulf.

According to administration scenarios, such an interruption immediately would increase the price of gasoline and all oil products. The forecasters contend, however, that regions, businesses and individuals needing the oil the most would pay what was needed in order to get it.

If the government stays out of the way, they say, prices will lure oil where it is needed and will level off more quickly than if there are controls.

Chief among the doubters of this scenario are farmers and small refiners, who contend that the oil would remain in large metropolitan areas and that farmers could not afford to bid.

Said Michael Scanlon of the National Oil Jobbers Council, a group of independent gasoline marketers: "The gas that did get to farmers would cost so much that nobody could afford a head of lettuce."

An emergency aid plan for low- and fixed-income people, who rapidly would be priced out of the market in a crisis, has the support of a wide range of economists and has been proposed in legislation sponsored by Sen. Bill Bradley (D-N.J.). It would be financed by revenues from the strategic reserve and the windfall profits tax. The administration officially opposes such a financial aid plan.

Bradley's bill also would create a block grant to governors for emergency assistance to groups or sectors pinched by shortages or unable to afford oil.

Energy Department officials are taking a second look at such a plan's feasibility in light of escalating gulf tensions, but some said they expected opposition from the Office of Management and Budget.

Many state officials have expressed frustration at the administration's faith in the marketplace, saying the burden will fall on them in the event of shortages, gas station lines or economic distress.

During the simulated 1983 crisis, several participating states cabled DOE that they were experiencing gluts or shortages, but the department responded that the market would resolve them.

"[It] reminded me of the ancient Greek mythology character Procrustes, who created a bed for all wayfarers that came by his home," said Maine energy official John Kerry. "If the wayfarer was too tall, he cut off [his] legs to have them fit the bed. If they were too short, he stretched them to fit the bed."

The most potent weapon in the domestic arsenal is the strategic reserve, which could cover all U.S. oil imports (about 4.5 million barrels a day) for about three months, or replace imports from the Organization of Petroleum Exporting Countries for 200 days. Most officials doubt that the gulf could be closed entirely, particularly in light of Reagan's pledge to use force to keep it open, but many expect some reductions would occur in the oil flow.

The administration does not have a trigger point at which it would begin selling from the reserve, or a formula for how much it would sell in the event of a given reduction.

But Hodel said he is committed to moving quickly in the event of a cutoff to declare an auction for as much as 2.1 million barrels a day—three times the level of U.S. imports from the gulf—for 90 days.

Companies bidding on the oil would have to put down 30 percent of the bid at auction, before the oil is delivered, which would trigger an immediate price increase. Economist Philip K. Verleger Jr. of Drexel Burnham Lambert, an authority on oil disruptions, said it was widely believed that a sudden price surge is best controlled if the price of all oil rises quickly, allowing little time for hoarding.

The free market has not cooperated with the department's plans for distributing oil from the reserve, however.

Two private pipelines that were to have served the strategic-reserve caverns along the Gulf of Mexico have been sold in the wake of the oil industry recession. One has been converted to a natural gas pipeline; the other is scheduled to be converted.

In order to meet the reserve's goals by the 1990's the Energy Department is preparing to ask Congress for $100 million to build two federal pipelines and improve marine terminals. For now, critics say the department cannot move significant reserves to midwestern refineries without the two pipelines.

For all the anxiety over events in the Persian Gulf, many experts believe that the United States could avoid an oil shortfall and a domestic crisis even in a partial cutoff because of the vastly changed conditions of energy markets here and abroad.

The gulf exports about 8 million barrels of oil a day, about 20 percent of the world supply. With the world glut, there is an excess oil-production capacity of about 3 million barrels outside the gulf.

Also, Saudi Arabia has shipped 65 million barrels out of the gulf for security, and could keep shipping gulf oil through a pipeline to the Red Sea.

In addition, U.S. officials believe that up to 1.2 million barrels of oil a day could be replaced in this country with natural gas, immediately reducing the current domestic gas glut.

As such, energy analysts believe that the United States would weather a world supply interruption of 4 million to 5 million barrels a day without resorting to the Strategic Petroleum Reserve, to which Congress has appropriated more than $15 billion since 1976.

Some officials question whether the government will ever draw on the reserve, which one official called "our last bullet."

Still, many analysts and politicians say there is little cause to be complacent. A recent report said energy experts believe there is a 30 percent chance in this decade of another major oil crisis that, like those of the 1970s, could lead to extraordinary inflation, then recession and major unemployment.

"There is a crisis right now; there's been a crisis all along," McClure said. "It's not the kind that brings a country down, but it's the kind that takes a country to war. A country that won't focus on emergency preparedness has all the symptoms of a country that is fat and very naive."

Mr. BYRD. Mr. President, do I have any time remaining?

The ACTING PRESIDENT pro tempore. Two minutes and six seconds.

Mr. BYRD. I thank the Chair. I yield that to Mr. PROXMIRE in the event he may wish to use it.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. Mr. President, I thank my good friend, the distinguished Democratic leader.

THE ONE AND ONLY WAY TO END THE NUCLEAR ARMS RACE

Mr. PROXMIRE. Mr. President, a few weeks ago I spoke on the floor of the Senate of the attitude of the American people toward the prospect of nuclear war. I pointed to the overwhelming support for a negotiated, mutual, verifiable freeze on the testing, production, or deployment of nuclear arms. In town meeting after town meeting, in statewide referendums in every section of the country, and in professional public opinion polls the American people have consistently supported a negotiated freeze. Indeed, there is no controversial issue in America today where public opinion is so emphatic with a consistent and solid 80 percent favoring the nuclear freeze. I challenge any Senator to cite a single instance in American history where the President of the United States opposed more than 80 percent of the American people on the major issue confronting our country.

We are proud, Mr. President, that we live in a true democracy. In this country the people rule. Or do they? If the people rule, why does not President Reagan at least make a beginning effort to propose negotiations to stop the arms race totally with a nuclear freeze? The answer: the President opposes a nuclear freeze. He directed his administration to work against the freeze resolution when it came before the House last year and passed by a 2-to-1 vote. The Reagan administration successfully fought against another freeze resolution when it came before this body. A majority of Senators followed the President's leadership, denied the popular will and defeated the freeze.

In fairness, the President does, indeed, favor limited arms control. He has strongly pushed the intermediate nuclear force talks. The Soviets, not the United States, walked away from the table in those nuclear arms control negotiations. President Reagan favors the START talks. Again, Russian negotiators walked out on those nuclear arms negotiations, not the United States. So it is true that the President favors negotiations that will limit the NATO and Warsaw Pact intermediate nuclear arms in Europe. He also favors a global limit for both the United States and the Soviet Union on the number of warheads. He has indicated his willingess to discuss limits on launchers. Why then does the President refuse to propose a comprehensive end to the nuclear weapons arms race with a nuclear weapons freeze? The answer is that the President will not agree to stop testing new developments in nuclear arms. And testing, of course, is the very crux, the quintessential heart, of the nuclear arms race.

Furthermore, the President will not agree to halt the substitution of new, more deadly, literally unstoppable, nuclear arms for the nuclear arsenal we have now.

It is true that the President has indicated he is amenable to a "build down," in which we would agree with the Russians that both countries would only deploy new nuclear weapons, if they either substituted them for older, more unstable weapons or took two or three old nuclear weapons out of the arsenal for every new weapons brought in. What is wrong with that? Well, the answer is plenty. We and the Russians have an immense surfeit of old nuclear weapons. They are by present standards grossly inaccurate. They are deployed in vulnerable launchers that can be easily hit and knocked out. Under present policies, both powers will greatly increase their ability to deliver nuclear weapons on the other by weeding out these older weapons and bringing in newer weapons that would surely strike their target and would be unstoppable. In fact, both countries have been working on precisely this kind of modernization for the past 20 years. The so-called build-down sounds great, but it would simply ratify the course the arms race has been taking for two decades. It would not only permit the nuclear arms race to speed ahead; it would put a premium on accuracy, precision and the certain ability to devastate the opponents' targets.

So in this country with the American people overwhelmingly in favor of ending the arms race, we speed ahead. We pour tens of billions of dollars every year into ever more deadly nuclear arms. What can we do about it? Is there a remedy for 80 percent of our people who favor ending the arms race and in many cases see it as the dominant issue today? Yes, Mr. President, there is a remedy. It is simple: Elect a new President. Only about 5 months from now, in November, we will see how deeply the American people feel about survival. A Presidential election has always been a complex matter. It was never more complex than it is today. There will be many issues in the campaign: the deficit, taxes, spending, civil rights, inflation, the environment, and others. But the one truly burning issue is the survival of this country and, indeed, of civilization itself, as at least 80 percent of our people realize survival hinges on the end of the arms race. On that issue there is only one answer: elect a new President.

ARMENIAN INDEPENDENCE DAY—A REMINDER OF THE NEED FOR THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, last week, Armenians all over the world celebrated their 66th Independence Day. On May 28, 1918, after several admirable victories against the Turks, the Armenian National Council declared Armenia an independent republic. The Republic was eventually absorbed by the Soviet Union. Nevertheless, the establishment of an Armenian State was significant because only 3 years earlier, 1½ million Armenians had been massacred by the Turks in the first genocide of the 20th century. The remainder of the Armenian community was exiled from the land of their ancestors.

The new Republic began as a country of ruins and refugees. The memories of suffering and persecution and the reality of murdered kin united survivors and gave them the motivation and drive to rebuild the Armenian State. After 600 years without a country to call their own, the 1915 genocide gave urgency to the need for the establishment of the Armenian Republic.

The new state provided Armenians with a base for defining their identity. In creating a national entity, they proved their determination to withstand outside pressures and to independently resist attempts to destroy them. The genocide of 1915 had taught Armenians that they must fight alone for their right to exist as a nation.

This is unfortunate, Mr. President, because no people should have to fight unaided for the mere right to exist.

In retrospect, the United States should regret its passivity as the Armenians were being cruelly marched to their deaths and as the survivors so valiantly struggled for some remnant of nationhood. The United States must never stand silent in instances where a people's survival is at stake.

Last week's celebration of the birth of the Armenian Republic reminds us of the persistence and intensity of a group of people who struggled to survive after near destruction. Such a struggle for existence must be supported by all nations concerned with basic human rights and freedoms.

Such a struggle also reminds us of the pressing need to make future genocides a crime by international law. The U.S. Senate's ratification of the Genocide Convention would demonstrate this Nation's concern that genocide never be condoned by the international community.

Mr. President, this is an act that is up to the U.S. Senate exclusively.

We alone can act on the Genocide Convention. It is unnecessary for the House to act. Presidents in the past have consistently recommended that we do act. Four times, the Foreign Relations Committee has reported that treaty to the floor, and in more than 30 years we have failed to act. It is about time.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 12 noon, with statements therein limited to 5 minutes each.

FAIR AND SIMPLE TAX

Mr. HATCH. Mr. President, currently there is considerable talk about the need to reform our Tax Code. I agree; but, in revising the code, we must make sure that we do three things.

We must have a revised Tax Code which is fair to all elements of our society. We must have a revised Tax Code which encourages—not stiffles—working, saving, and investing. And we absolutely must have a revised Tax Code which lowers, not raises, the burden on the American taxpayer.

In an effort to accomplish these goals, my colleagues Senator ROBERT KASTEN and Representative JACK KEMP have introduced bills in their respective Houses providng for a "Fair and Simple Tax," or FAST. This proposal combines a flat or single tax rate applicable to all taxpayers with special provisions for wage earners, families with children, savers, and homeowners. An editorial supporting the concepts behind and some provisions of FAST appeared in the Washington Times on May 30, 1984.

In the interest of encouraging all of us to think about, and work to enact, the necessary Tax Code revision, I ask to have this editorial inserted in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FAST HELP

Where's the GOP? Many of its members in Congress are hunting under chairs, desks, and tables for new revenue sources—and coming up with nuisance taxes that won't even dent the deficit.

What they should be doing is lowering marginal income tax rates even farther. And simplifying that many-volumed thing, the Internal Revenue Code and Regulations, so that charges that the system's unfair will cease to be credible.

Knowing Americans want their taxes fast, fair, and simple, Republicans like Sen. Bob Kasten of Wisconsin and Rep. Jack Kemp of New York have written a "fair and simple tax" bill. FAST is close enough to the flat tax ideal to make it worth supporting, although we find no excuse beyond political expediency for FAST's desire to preserve the interest deduction.

Voting taxpayers seem to think that deduction is only slightly less permanent than the Ten Commandments. The politician with the nerve to say its market-distorting effect runs afoul of "thou shalt not steal" has apparently not yet been elected.

A FAST tax return would take up less than one sheet of paper, itemized deductions or no. It would be shorter even than today's supershort form for non-itemizers, and much fairer than the prototype rumored to have circulated at the Democratic National Committee: "(1) How much money did you make last year? (2) Send it in."

FAST doesn't favor the rich. Every American family of four earning up to $14,000 a year would never have to pay another dime in federal income taxes. The Democrats' version of the flat tax, known as the Bradley-Gephardt bill, would make the cut-off $11,000 a year. Under today's miserable tax codes, it's $9,000.

As for middle incomes, FAST would significantly lower rates, in part by exempting 20 percent of all wages and salaries up to $40,000. In real numbers, a family of four earning $25,000 now pays around $3,000 to the IRS; FAST would drop this to about $2,300. The average family would surrender 22 percent less to the government.

Incentives to work harder and earn more? Nobody would face an income tax rate above 25 percent. Compare that with today's 50 percent top on earned income.

The deficit? FAST's authors say it will raise roughly the same revenue as current law. But since it might nip away at the underground economy by reducing incentives for tax evasion, and because its low top rate would make non-productive tax shelters much less attractive, FAST just might tap some rich additional revenue sources. Still, no promises on deficit reduction. The real advantages are fairness and simplicity.

HUMAN RIGHTS AND DISSENT IN NICARAGUA

Mr. DURENBERGER. Mr. President, on May 25, I participated in a public forum with Senators KENNEDY and KASSEBAUM on human rights violations and violence in Nicaragua and El Salvador.

I felt that this forum was significant as it examined the conflict in Central America from a perspective that is often lost in the larger public policy discussions of that issue—that of the human cost of the conflict. I left the forum with a number of impressions about the testimony of the numerous witnesses from Nicaragua and El Salvador. Throughout the testimony, I was struck by the detailed accounts of human suffering and persecution that seem all too common to that unfortunate region. One can feel only sympathy for those who are caught in the crossfire of forces advocating extremist solutions of the left and of the right.

In the last few years, a great deal of attention has been directed, and rightly so, toward human rights abuses in El Salvador. Many thousands have died in what can only be described as anarchy. Now, we in the United States fervently hope that President Duarte of El Salvador can, with our help, institute necessary reforms in the nurturing of respect for human rights, in the diversification of his country's economy, in the administration of justice, in the allocation of land, and in the reform of the military. El Salvador's problems are at least 50 years in the making. We in the United States must make the effort to understand that these problems are structural and systemic, not merely temporary. The reform process in El Salvador will take time and it will require our assistance and our tolerance, but it is necessary.

Increasingly, throughout the Central American Isthmus, democracy is taking hold and autocracy of the right and of the left is losing ground. Only Guatemala and Nicaragua have not yet experienced the kinds of elections which have been the norm in Costa Rica since 1948 and which are now becoming the norm in El Salvador. But they may, particularly if the democratically elected presidents in the other nations of the region are able to make common cause for the common man, and to stand against violence and repression.

Less attention has been focused upon the current human rights situation in Nicaragua, although it should merit both our attention and our concern. I am not quite sure why this has happened, but I do believe that we should view abuses of the left as we view abuses of the right. While I am pleased that Secretary of State Shultz met with Junta Coordinator Daniel Ortega this past weekend and has begun a bilateral negotiating process, we should still be concerned about human rights abuses in Nicaragua.

At the forum which I previously mentioned, I was particularly impressed by the testimony of Marta Baltodano, who is the coordinator for Nicaragua's Permanent Commission on Human Rights. Two domestic human rights organizations operate in Nicaragua. The Permanent Commission on Human Rights is an independent agency that was established in 1977. It played a key role in exposing the Somoza government's human rights violations. After the Sandinistas came to power in 1979, the PCHR continued to publicize human rights abuses committed under the new government. In response, the Nicaraguan Government founded the National Commission for the Promotion and Protection of Human Rights in 1980. The latter organization claims to be independent, but the Nicaraguan Government picks its members and funds its budget. It is the only organization permitted by that Government to file applications for pardon or to request the cases on human rights grounds. Interior Minister Tomas Borge, moreover, has repeatedly deterred vigorous examination of human rights abuses.

The Permanent Commission on Human Rights, by contrast, operates at the sufferance of the Nicaraguan Government. Because of its independence, its members have repeatedly been threatened by officials of the Sandinista government. In her testimony, Ms. Baltodano stressed that the Sandinista government conceives of human rights not as rights, but rather, as the Government's generosity, which

can be withdrawn at any time. While the Sandinista government is not engaged in the deprivation of the right to life to the degree that was characteristic of the Somoza regime, such violations have occurred in a number of instances.

Over the last 3 years, the Permanent Commission on Human Rights has received 97 reports of deaths under unclarified circumstances, presumably the responsibility of or committed by military forces of the Nicaraguan Government or by the civilian authorities of that Government. In this same time period, the Permanent Commission on Human Rights has documented 342 cases of disappeared prisoners. Ms. Baltodano indicated that all of these cases have been brought to the attention of the Nicaraguan Government, but that there has been no reply whatsoever.

On the contrary, it appears that the Nicaraguan Government has no intention of investigating these deaths and disappearances. The view of the Permanent Commission on Human Rights is that the Sandinista government is deliberately holding many of the disappeared prisoners in total isolation at locations far from their own homes. Nevertheless, the Nicaraguan Government denies the existence of these prisoners or that there is a human rights problem in Nicaragua.

To me, the most telling part of Ms. Baltodano's testimony was her description of the transformation of Nicaragua into a totalitarian dictatorship. I think that her words speak for themselves:

What does exist, however, is a system of psychological repression which is seen not only in the prisons, but in everyday life as well, in a permanent checking or control of all of the citizens of my country—a system which tends to destroy values and where it is claimed that there are only two kinds of citizens—Sandinistas and Counter-Revolutionaries.

There is really a permanent state of tension in our country in terms of the rule of law because any person can be taken off to jail without any concrete accusation being formed against him. A person may remain incommunicado for an indefinite period without assistance of counsel. He can stay six months, a year in prison, and no judge has the opportunity of declaring this person's innocence or guilt.

Her testimony goes on to describe the increased incidence of state-sanctioned torture against prisoners, the establishment of special tribunals which deny due process to the accused, the repression of independent labor unions, the continuing mistreatment of the Miskito Indian population, the deprivation of religious freedom, and expanded limitations on the freedom of speech.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of Ms. Baltodano's testimony before the forum; the testimony of the Nicaraguan Permanent Commission on Human Rights in a May 12, 1984, hearing before the Inter-American Commission on Human Rights; and an article on dissent in Nicaragua which appeared in the June 1, 1984, edition of the Wall Street Journal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF MARTA PATRICIA BALTODANO, EXECUTIVE DIRECTOR, PERMANENT COMMISSION ON HUMAN RIGHTS, MANAGUA, NICARAGUA

Ms. BALTODANO (Interpreted from Spanish). Thank you very much. I thank you for this opportunity for the Permanent Commission on Human Rights of Nicaragua to give its views on the situation in our country to you.

After hearing the testimony of my Nicaraguan brothers that we have just heard, I would like to give the view, the vantage point, of the human rights violations committed by the government.

Above all, I want us to take an objective approach that we are really witnessing a government which is totally different from the government we had before and whose kind of violation of human rights is also consequently different.

There is a very important fact at present which is of concern to us that the Sandinista government conceives of human rights not as rights, but rather as the government's generosity, which at any time can be withdrawn.

So, taking this situation into account, we can say that the Permanent Human Rights Commission has a whole range of areas in which violations may arise; for instance, the right to life. At the present time in Nicaragua, we are not going to find the kind of violation of the right to life that we found during the days of Somoza. But that does not mean that we do not have cases, unclarified cases, of death.

Over the last three years, the Commission has received 97 reports of unclarified deaths, or deaths under unclarified circumstances, presumably the responsibility or committed by military forces of the government or civilian authorities of the government.

All of these cases have been brought to the attention of the national government and there has been no reply whatsoever. This confirms to us that the government is aware of the situation, and far from trying to investigate the situation, the government is concealing the guilty.

The case of the disappeared: We have reported to the Human Rights Commission so far 342 cases of disappeared prisoners. This is just the number of cases which has not been clarified over the past three years. We can no longer attribute these disappeared to the case of bureaucratic or administrative confusion.

Quite to the contrary, it seems that the government does have the declared intention of maintaining prisoners in complete isolation and very far from their families. Of these 342 cases of disappeared persons, 69 are Mesquito Indians who have disappeared along the Atlantic coast.

There is also torture in Nicaragua; not the institutionalized physical torture that existed in the days of Somoza. There is a physical torture, but it is in a rudimentary, simple form.

What does exist, however, is a system of psychological repression which is seen not only in the prisons, but in everyday life as well, in a permanent checking or control of all of the citizens of my country—a system which tends to destroy values and where it is claimed that there are only two kinds of citizens—Sandinistas and counterrevolutionaries.

There is really a permanent state of tension in our country in terms of the rule of law because any person can be taken off to jail without any concrete accusation being formed against him. A person may remain in communicado for an indefinite period without assistance of counsel. He can stay six months, a year in prison and no judge has the opportunity of declaring this person's innocence or guilt.

At the present time in Nicaragua, there is a special jurisdiction in force. Special courts have been created, special courts outside of the judiciary, and they are applying a law of a political nature which makes it possible to imprison people even for cases of civil dissidence.

These courts have the right to sentence people up to 30 years in prison and there is no possibility of appeal by a superior court.

There are other areas where there are violations of human rights as well. For example, some weeks back the bishops conference of Nicaragua published a letter on reconciliation. Since the publication of that letter, the government and all governmental entities have been endeavoring to discredit the Catholic church in every way possible.

This is not the first time. Every time the Catholic church expresses its views on the situation in Nicaragua, the government mounts a campaign to discredit the church and insult it. And this campaign is always also accompanied by repression of the grassroots organizations, the people organizations, of the Catholic church.

We have countless cases of violations of religious rights; not only cases against the Catholic church, but cases against the Protestant, the Evangelical and the Moravian churches.

The independent trade unions do not escape the government's control either. The workers, the Nicaraguan workers, who have not wished to join the official trade unions have also been the victims of repression.

Repression can be quite sophisticated. It is not necessary to reach extremes of physical brutality. If a worker belongs to an independent trade union and is fired for that, his rights are being violated. The trade union leaders are constantly being harassed. Peasant leaders are constantly being cited for infractions of the laws pertaining to the security of the state, and pressure and blackmail are used in the jails to pressure trade union members to testify against their own fellow union members.

And these people who are also workers and who have a right to social benefits are also at the present time victims of repression by the state.

In Nicaragua, there is no freedom of speech. Since March of 1982, the government has imposed prior censorship on everything printed by the only independent newspaper there is. Starting in March 1982, 20 independent news programs that used to broadcast in the Managua area were suspended.

The only two television channels which exist are at the service of the party in power. The announcement has been made that there will be elections held in November of 1984, and I wonder how it is going to be possible to hold elections then if it is not possible to express one's opinion.

Just last week, the political parties were still the victims of censorship. When students who have been identified as being members of opposition political parties, when they are attacked in the universities—just last week, a 21-year-old student had his hair cut off by his colleagues, his companions, from the Sandinista organization. For us, this is a very painful situation.

In Nicaragua there is an internal struggle. The little political space that existed is being closed more and more everyday, and I would like really to ask you, who have a great deal of influence with my government—I would like to ask you to give support to the democratic sectors working within the country. That is the only way that democratic solutions will ever be strengthened in Nicaragua.

It is necessary that support be given to the church, to the unions, to those who are fighting peacefully within the civilian or civic mode, risking their lives inside of Nicaragua.

Senator KENNEDY. Senator Kassebaum?

Senator KASSEBAUM. Thank you, Senator Kennedy. I regret that I have to leave because I think it has been very interesting and very informative, the number of witnesses that you have had and the different types of testimony. I only regret having to go back to Kansas and not hearing the rest.

And if I may just ask a couple of questions of Senorita Baltodano, you mentioned that you wished we would use our influence more on the Sandinista government. I would only say we have tried very hard, of course, to use our influence, and have raised many questions regarding just such actions as you mentioned.

I would like to ask you how strong you see the opposition to the Sandinista government in Nicaragua.

Ms. BALTODANO. Really, in Nicaragua it is impossible to measure the strength of the opposition because there is constant control of all of the sectors of the population in the country.

For example, in Nicaragua there are so-called committees for the defense of Sandinismo, which are neighborhood watch organizations. These neighborhood committees check up on all of the population, pressure the people to do partisan-type work, Sandinista party work, and the threat is that if they do not do it, they will have their ration cards taken away.

It is my belief that truly only in a climate of freedom is it possible to know, to measure, the dimensions of the opposition. But it is very interesting to ask oneself why is the government so unwilling to give all civil liberties to the population. What is the government so afraid of?

Why does the government feel that it has to control the colleges, the high schools, the universities, the trade unions, the press?

Senator KASSEBAUM. Many people here believe La Prince is now being able to publish more freely. You certainly have not indicated that. Could you respond just briefly to whether they are indeed being allowed to publish more freely?

Ms. BALTODANO. There still exists the prior censorship which is imposed by the Ministry of the Interior. The Minister of the Interior decides what news can and cannot be published. They have full discretion to decide what news will be disseminated.

Senator KASSEBAUM. I would like to ask you, does support for the contras, in your opinion, help support the democratic process in Nicaragua?

Ms. BALTODANO. In Nicaragua, there is internal opposition, sectors who need your help. I believe that democracy in Nicaragua must begin with a dialogue. There has to be an understanding between the parties in conflict, and you can contribute to having this dialogue become a reality in our country.

Senator KASSEBAUM. Well, I would only say we have attempted—as a matter of fact, I know that the foreign minister, Discoto, has visited here. I would guess all three of us have visited with the minister when he has been here, and with our ambassador in Managua.

And I guess that I think that dialogue, to be effective, is two ways. Is that the only suggestion you have for U.S. policy as far as supporting democracy in Nicaragua?

Ms. BALTODANO. Let me repeat my request to you. It is only through dialogue that it is going to be possible to do anything in Nicaragua. There is internal opposition there, but there are no channels. There are no outlets for it. So until that is taken care of, until there is an outlet, a channel, for the internal opposition, there is no sense—it does not make any sense even to talk about elections.

Senator KASSEBAUM. Just one final question: Will you be returning to Nicaragua, and if so do you have any concerns for your own safety?

Ms. BALTODANO. Of course. However, I think it is necessary to speak for all of those whose testimony would have been so important for all of you to have heard on this occasion.

Senator KASSEBAUM. Thank you very much. Thank you, Senator.

Senator KENNEDY. Thank you very much, Senator Kassebaum, for your presence here and for your participation.

I was wondering from the panelists whether they have direct knowledge of whether the Nicaraguan government is cooperating with the Inter-American Human Rights Commission. I know the government signed the convention soon after the revolution.

I am interested to know whether the Nicaraguan government now is working with the Commission.

Mr. MENDEZ. May I answer that?

Senator KENNEDY. Yes.

Mr. MENDEZ. In 1982, at the beginning of 1982, the government requested the Inter-American Commission to visit Nicaragua, especially on the question of the Mesquitos and the resettlement.

In mid-'82, the government asked the Commission to engage itself in a procedure that had not been used before, but it is included in the American convention on the rights and duties of man, called the Friendly Settlement Procedures.

That took place over all this time and in the course of that the Inter-American Commission visited twice Nicaragua and offered several suggestions. One of them was the release of the general amnesty for all Mesquito prisoners that the government did comply with toward the end, or at least in great part complied with towards the end of 1983.

Now, recently, the Inter-American Commission met again and decided to terminate the Friendly Settlement Procedures, I understand, because the only thing that was left for that to happen was for the Nicaraguan government to organize a conference to meet with leaders of the Mesquito opposition.

And I think the stalemate that happened was that the Nicaraguan government refused to recognize the several Mesquito leaders, most of them in exile, or I think all of them in exile, that the Commission identified as possible parties to that conference.

I think that is where the procedure is now, although I understand the Commission is still ready to reopen that friendly settlement at some other point.

Senator KENNEDY. Ms. Baltodano?

Ms. BALTODANO. I really believe that the Inter-American Human Rights Commission is very concerned about the situation and is making a sincere effort to mediate towards a solution. But I also think that the government's concern should be manifested as a function of the Human Rights Commission which is already in the country, our Human Rights Commission.

Our Commission does not have access to the jails. Our Commission, the Nicaraguan Human Rights Commission, was not allowed to visit the Atlantic coast in '82. Our lawyers and attorneys are denied information whenever they go to offices of the government.

All the news that we publish about human rights violations is censored. We are aware that the Inter-American Human Rights Commission is trying to mediate. Precisely for that reason, we testified before the Inter-American Human Rights Commission last week and we hope that their efforts will be successful.

Senator DURENBERGER. I understand you express some concern about returning to Nicaragua, but I would assume—and you can correct me if I am wrong—that the Nicaraguan government has been able to do to you and the Permanent Commission on Human Rights what they are in the process of doing to the bishops of Nicaragua.

In other words, by propaganda efforts, by discrediting your activities in one way or another, you are actually not necessarily a threat, but an opportunity to be discredited. Would I be incorrect in that conclusion?

Ms. BALTODANO. With one difference, and that is that I am a person who can have a certain kind of protection, can enjoy a certain kind of protection, whereas the run-of-the-mill Nicaraguan citizen can be attacked at any time and has absolutely no protection.

Senator DURENBERGER. I understand that, but my impression is that in your activities on behalf of the ordinary Nicaraguan, number one, you are denied access to information, as you have already testified.

Number two, the government does nothing about your filing of reports or complaints. And number three, I have the impression that the government would also go to some extent to discredit whatever public statements or comments you might make that are critical of the government.

Ms. BALTODANO. That is right, and not only that; if the government wishes, it can invoke some law or some accusation arguing that I am working to destabilize the revolution. This is exactly what happened to the founder of our Commission in 1981. That was exactly what happened, and our office was closed for a week.

Senator DURENBERGER. Well, why does the Commission continue to operate? Why do you continue in your activities on behalf of human rights within Nicaragua?

Ms. BALTODANO. We undertook these activities starting during the days of Somoza. At that time we were accused of being communists, and now the Sandinistas accuse us of being counter-revolutionaries.

But what makes us keep on working is the hundreds of Nicaraguans who do not have any access to getting their stories out or any way to getting their stories out. Our Com-

mission does not have the means at its disposal that the government has in order to publish violations and cases of abuses.

But it is our obligation to become the spokesman for those people who are not able to come here.

Senator DURENBERGER. Well, you mentioned earlier filing of reports or making reports. Who in the junta has responsibility for the justice system, the criminal justice system? Is it the interior minister?

Ms. BALTODANO. There is a Ministry of Justice, and it is the Ministry of Justice which brings all criminal cases to the courts. But we also have a Ministry of Interior, and it is the Interior Ministry that has jurisdiction in certain areas involving human rights.

But the important thing is that there is a new law that any abuse committed by a member of the military must be judged or tried by a military court, and access to the military courts is extremely limited. And in some cases the trials themselves can be held behind closed doors, may be secret.

There is also an office for grievances or complaints under the Ministry of the Interior, and that is generally where we take our cases, our complaints of abuses or violations committed by the Ministry.

Ironically, there has been an order issued that they will not receive any complaints from us.

Senator DURENBERGER. Well, I mean if you would go to Tomas Borge and ask him about human rights, I am sure he would give you a pamphlet or a manual and would say, here are the trappings of human rights in Nicaragua. The reality is that there is no observation of human rights by the government of Nicaragua as long as Borge is the Minister of Interior. Is that correct?

Ms. BALTODANO. I have to go home. [Laughter.]

Senator DURENBERGER. Just one last question. I think it was within the last day or so that the National Elections Council announced the rules for the election on November 2nd, and I understand that four of the so-called opposition parties announced they would not participate in the election.

I also know, and I think both of us are aware that certain Nicaraguans who are now operating in Nicaragua under the banner of ARDE have indicated their desire to participate in the electoral process on the condition that it is an open process in which the FSLN does not dominate the ballot, does not dominate the military's involvement, does not dominate all the symbolism in the country, does not dominate the process of advertising and communication.

I will bring the question to an end. My question is, is it possible, in your opinion, for a broad representation of the traditional political parties in Nicaragua, pre-1979, to participate in this election in a way in which the people of Nicaragua could have confidence that the winner won in a fair election, or is that a question you want to go home on, too?

Ms. BALTODANO. I will answer this one. Laws are being passed establishing the conditions which are to prevail for the elections in November. Everything would seem to indicate that the Sandinista front is establishing the conditions to guarantee its own victory.

Logically, the political parties want elections, but they want authentic elections—elections where they can present their platforms freely. So there may be very well-formulated laws in Nicaragua, but there is no climate of freedom. There is the permanent control of the committees for the defense of Sandinista, their control over the people.

There is control in the state-owned enterprises, in the universities, the colleges, the high schools. Anybody who does not identify himself as a Sandinista is in danger. I wonder under what conditions, under what circumstances, then, and with what feelings could someone go and vote for another party in elections.

The Sandinista party has been exposing its platform for the last five years. And despite the fact that there is no democratic tradition in our country, they want to yield two months to the other parties so that they can do their campaigning. It is very, very short.

TESTIMONY OF THE NICARAGUAN COMMISSION ON HUMAN RIGHTS

Managua, May 12, 1984.

Honorable Members of the Inter-American Commission on Human Rights, Washington, D.C.

DEAR SIRS: The Nicaraguan Permanent Commission on Human Rights would like to thank the Inter-American Commission on Human Rights for this hearing, which enables it to further its one goal, namely the defense of human rights of Nicaraguans.

We are deeply troubled by the state of human rights in Nicaragua, because we are witness to a growing and worsening disregard of these rights.

Before enumerating the violations of certain of these actual rights, we feel it is necessary to focus attention on the general state of affairs: the number and nature of complaints brought before our Commission in Nicaragua suggest that disregard and violations of human rights are widespread and diverse: lamentably they encroach on the right to one's life, one's liberty, physical well being, personal safety, freedom of speech, one's conscientious and religious freedom to educate children according to the beliefs of the parents, on private property, on freedom of trade unions, on the freedom of political parties. It is not simply a matter of actions that violate these rights—but also of laws which violate them. We can actually say that the violation of the rights of Nicaraguans is being put into law.

But, gentlemen, this is not the most serious problem. The most serious concern is that behind all these cases of violation of human rights one can perceive an attitude or position of repudiation of rights, a denial of the very existence of rights, so that what we would call rights is conceived of as something that is given by the State to individuals out of generosity or by permission and which can be revoked at any time.

We will now present a short description on the state of some actual rights, based on the complaints which we have received. CPDH does not claim to know of all the violations which have occurred in the country. Our description is based only on the cases that have been brought to us.

THE RIGHT TO LIVE

In spite of the fact that legally the death penalty does not exist in Nicaragua, the Nicaraguan Permanent Commission on Human Rights has painfully witnessed an increase in the number of unexplained deaths. In the past 3 years alone the CPDH has received 97 complaints, all of which have been attributed to the civil and military authorities. These cases primarily concern people who were apprehended by officials who were fully identified. After a brief detention these prisoners were reported as "died during attempt to escape" or "died in combat with army troops" or "death caused by heart attack" and other strange explanations. All of the listed cases were brought before the competent authorities without any investigation to date and without any response to the CPDH or the families of the victims other than threats against their lives.

But the disregard for human life is further manifested in official positions and public speeches given by high officials of the Sandinista government. One example of this is the speech given by Commander Humberto Ortega Saavedra, Minister of Defense, on October 9, 1981, which warned: ". . . we are making every effort to avoid a resurgence of armed aggression, but if by some mischance it should occur and if in the course of it there is no change in attitude on the part of those who knowingly or unknowingly support imperialist plans from within Nicaragua . . . . if they do not mature, if they do not join in the defense when aggression occurs, then they will be the first to be seen hanged by the sides of the roads and highways of the country . . . ."

THE DISAPPEARED

As far back as 1979 the Nicaraguan Permanent Commission on Human Rights presented about a hundred cases of prisoners who had disappeared to the Inter-American Commission on Human Rights. Unfortunately, the Inter-American Commission ignored these complaints in its 1981 report. Nevertheless, new cases continue to be brought to our attention, offering us proof that this was no temporary problem but a permanent and continuing violation. Of the cases reported in 1979, 170 are still unresolved; in 1980, 355 cases were reported and 30 remain unsolved; from 1981 to 1983, 433 cases of disappearances were reported and to date 142 have not been located. To summarize, we have a total of 342 cases of disappeared prisoners. This number was not invented by the Permanent Commission on Human Rights and at this time we will provide you with a detailed explanation of each case, describing the various circumstances in which they occurred. (Under separate cover).

We do not believe that these disappearances, be they permanent or temporary are the result of administrative problems, but are a deliberate policy of keeping certain prisoners incommunicado and at the mercy of their captors, undergoing all sorts of physical and psychological abuse. For example: two officials of a Ministry were detained as of January 1983 in Managua by members of the State Security Headquarters. For one year the Permanent Commission on Human Rights and the families of the detainees made appeals to this agency, which denied knowledge of the detention and whereabouts of the prisoners. After one year these prisoners were released and they reported that throughout this time they had been held incommunicado and tortured and upon their release they were threatened with death if they divulged where they had been kept prisoner.

TORTURE

The Nicaraguan Permanent Commission on Human Rights has stated in the past that physical torture seemed to be disappearing in Nicaragua. This opinion was based on the small number of complaints about physical torture that we were receiving at the time. However, we are now obliged to correct this statement, in view of new evidence that has been brought to us: physical torture continues to take place in Nicaragua, even more than the psychologi-

cal torture which we have always complained of.

There follows a list of frequently reported torture:

Violence and degrading treatment at the time of capture.

Intimidation and threats against the family when the person whom they wish to detain cannot be found, with the result that another member of the family is taken.

The shackling of prisoners' hands and feet when they are being transferred.

Forcing detainees to walk around the prison with their eyes closed or with blindfolds.

Indefinite isolation in completely closed cells without access to light or ventilation, at times designed to force a person to remain standing or seated.

To force a detainee to lose all sense of time, by keeping him in constant darkness or light and by shortening or lengthening periods between meals.

Constant noise in a cell which prevents prisoners from sleeping.

Prohibiting prisoners from speaking either inside or outside the cell without previous authorization from the guard.

Forcing a prisoner to remain naked before a group of prisoners or soldiers, thus making him an object of scorn and ridicule.

Locking a prisoner nude in a cold cell.

Intense interrogations in the early hours of the morning, during which the prisoner is forced to incriminate himself or implicate other innocent persons, in which fake tape recordings of the voices and cries of his loved ones are used.

Keeping the prisoner without food, warning him that in order to get food he will have to give a confession.

Frequent beatings with belts or the butts of guns during interrogations.

Physical torture is most frequent in the interior of the country. The Permanent Commission on Human Rights knows of cases of prisoners with fractures to their upper and lower body from blows; of campesinos who have been required to walk long distances with their hands bound behind them and subjected to the lowest insults during the trip, to beatings and displays of mock firing squads.

CONDITIONS IN THE JAILS

The Inter-American Commission after having visited Nicaragua in 1980 was able to inspect some of the jails which are under the administration of the Penitentiary System and made a series of recommendations to the Nicaraguan government in order to improve conditions in the prisons. Based on these recommendations we offer a description of the actual situation of prisoners in our country:

1. Our jails are outrageously overcrowded; especially those in which one finds convicted prisoners.

2. The packed prisoner cells have become infernos, due to the unbearable heat of the jail and the excessive number of prisoners in each cell.

3. The mattresses that the prisoners had in their cells had been provided by their families; as a result of this, as of October 1980, the authorities of the Model Prison of the Franca Zone removed all the mattresses and personal belongings of the prisoners.

4. Since 1979 the schedule of visits has been changed arbitrarily by the authorities of the Penitentiary System. In 1980 a rule was adopted that visits would be allowed once a month; in 1981 every fifteen days; in 1982 every 45 days; in 1983 every 4 months and 1984 every 2 months. After that the threat of suspension of visiting rights was used to keep the prisoner under control. The visits were limited to one person at a time for a maximum of 2 hours. There are no conjugal visits. The procedure required of family members making a visit obliges them to remain in the jail from dawn to midday. The visit itself begins when the sun is at its strongest. Both the long wait and the visit itself are under the sun.

5. The obstacles that prisoners encounter in regular trips to the bathroom result in buckets of excrement and urine inside the cells, which cause contagious diseases throughout the prison.

6. Access to the outdoors is limited to a few hours a week and can be denied without justification, as can visiting rights themselves.

7. Medicines and foods which families send to prisoners do not always arrive at their destination.

8. The availability of medical services in the prisons is highly deficient, as a result of which there are large numbers of sick prisoners without adequate medical attention.

9. Despite laws which require that a prisoner be sent to a hospital the military authorities violate this law. Prisoners with contagious diseases are in the midst of other prisoners.

10. No written materials of any kind are allowed inside the jail, neither can bishops, priests or pastors of any religious faith perform religious services inside the jail.

11. Prisoners are suddenly transferred from one jail to another, sometimes clandestine jails, without their families being informed.

12. Prisoners are threatened with the firing squad if there are any demonstrations.

ILLEGAL DETENTION AND LACK OF APPEALS

The right to freedom and personal safety does not exist in Nicaragua. At any time, arbitrarily and capriciously, the military or civil authorities can detain anyone, without giving any justifiable cause. Mere suspicion, rumor or complaint is enough to put a citizen in jail in our country. The person will not know the reason for his detention and he may remain in this situation for several months, even years without there existing any court that might protect him.

Arbitrary detention, without trial, without legal charges, without the possibility of defense, has been established as a system for intimidating citizens. After several months of illegal detention, they are freed without ever having been through any court and without being given any opportunity to defend oneself. Some of the prisoners have died in the jails. Others, after several years of prison, are declared innocent, but their families have been destroyed, their property has been confiscated, they have lost their jobs. There are also other prisoners who despite orders for their release remain in the jails. The Right of Habeas Corpus has been legally suspended since 1982.

EXCEPTIONAL TRIBUNALS

During its visit in 1980 the Inter-American Commission on Human Rights was able to see for itself the existence of special judicial tribunals. According to the Inter-American Commission the existence of these tribunals gave rise to certain breaches which are not compatible with the assurances given by Nicaragua under the American Human Rights Convention. The Inter-American Commission recommended that the cases by reviewed ". . . by a judicial authority, either the Supreme Court of Justice, or the Appellate Courts."

But these recommendations remained precisely that—recommendations, because the government never carried them out.

In 1982 other special tribunals called Popular Anti-Somoza Tribunals were created. They were brought into being to apply the Law for the Maintenance of Public Order and Security, a political law, with vague definitions of the crime, which enable it to be used to punish the government's adversaries. These special tribunals were created to function under the State of Emergency and to pass judgment on suspected counter-revolutionary activities. Although they are called "tribunals" there is only one of them located in Managua, with authority over the entire country and which is subdivided into two so as to give the impression that there exists a possibility of appeal.

The members of these tribunals, with the exception of the two presiding officers of the court, are not lawyers, but members of the various mass organizations of the Sandinista Front. They have been chosen by the Ministry of Justice, they are under its authority and the Ministry in turn is the prosecutor in the entire process. They operate entirely on the fringes of the Judiciary and there is no possibility for their sentences to be reviewed by the Courts or Independent Tribunals.

The same procedural irregularities occur in these tribunals as did in the previous Special Tribunals. There are:

Prisoners being detained and "investigated" remain for a long time without being processed.

Accusations are vague and imprecise.

The time allowed for the preparation of defense and the presentation of evidence is short.

Excessive discretionary judgment is left to the judge in the evaluation of the evidence.

Arbitrariness in sentencing.

The biasedness of the members of the tribunals and campaigns organized by the communications networks of the government against prisoners prior to a judgment.

CONDITION OF THE MISKITOS

Although it is true that the Nicaraguan government freed over 100 Miskito prisoners as a result of the Amnesty Decree passed last December, it should, however, be emphasized that the right of the indigenous Miskito, Sumo and Rama populations continue to be violated. We believe it is necessary to emphasize this because silence might otherwise be interpreted as a sign that the problem of our indigenous population has been resolved or were in the process of being resolved.

1. It should be made known that there are still 435 Miskito prisoners in the jails, whom the government refuses to set free, violating its own Amnesty Decree.

2. The Nicaraguan Permanent Commission on Human Rights has 69 cases of disappearances of Miskitos who were captured by identified authorities, whose families are demanding an official explanation as to their whereabouts.

3. Entire communities on the Atlantic Coast continue to be uprooted and moved to new settlements which are militarily controlled by the government or by organizations belonging to the Sandinista Front.

4. The Inter-American Commission on Human Rights visited the Miskito Zone in 1982 and 1983, but did not publish its report on these visits. It would be highly desirable if the Commission were to revisit the zone to make a new evaluation and to publish its findings.

RIGHT OF RELIGIOUS FREEDOM

At first, government attacks against Nicaraguans' freedom of religion and conscience were subtle, however, these attacks began to come out in the open in 1980 and were presented not as a persecution of the Church, but rather as a rejection on the part of society of counter-revolutionary individuals who, in the words of the Minister for the Interior, Commander Thomas Borge "appear to be disciples of Satan, defending the reign of death . . ." We will present a few cases:

In 1980, the government expelled the North American evangelical minister Morris Cerullo, moments after he had landed at the capital's airport.

In 1981, dozens of Protestant and Moravian churches located on the Atlantic coast were closed. Their ministers were arrested and expelled from the region.

The government banned the televised mass, at which the Archibishop of Managua had officiated for many years.

A Sandinista mob led by military officers stoned the Bishop of Juigalpa while on a pastoral visit to a region of his diocese.

Another mob attacked the car of the Bishop of Managua destroying the vehicle's windows and tires.

In 1982, two priests and three nuns were expelled from the country. The order was later revoked, but those involved were not allowed to return to their original dioceses.

Temples belonging to Mormons, Moravians, Adventists and Jehovah's Witnesses were taken by Sandinista mobs and later were confiscated by the authorities.

Fifteen Jehovah's Witnesses were expelled from the country after the National State of Emergency was announced.

The Minister of the Interior censured a letter sent by the Pope to the Nicaraguan bishops, for a while preventing its publication.

Radio Catolica was closed for one month for supposedly broadcasting "distorted" news.

The government attempted to entrap the vicar of the Archiepiscopal Curia in an affair, which was highly publicized and aimed solely at humiliating and discrediting the priest.

The Salesian College of Masaya was taken by force and two of its priests, including the directors were expelled from the country.

In 1983, the Ministry of the Interior banned for some time publication of any news in the papers relating to the Pope's visit to Nicaragua.

The entire world was witness to the grave disrespect shown to His Holiness John Paul II and the sacrilege committed during the mass in Managua, against the religious sentiments of the majority of those present.

In October of 1983, a number of parishes around Managua were taken over by Sandinista mobs.

In November of 1983, the recently named director of the Salesian College of Masaya was again expelled.

In the past weeks, an ongoing campaign has been mounted in the official media to discredit and insult the bishops, whose sole "crime" was to publish a pastoral letter in which the bishops asked for people to join together, to forgive one another and to search for an understanding through dialogue.

CONDITION OF THE TRADE UNIONS

Independent worker organizations such as the Central de Trabajadores de Nicaragua (CTN) and the Confederacion de Unification Sindacal (CUS) continue to be the object of repression in Nicaragua at every level. Thus far in 1984 there have been constant complaints of repression by the officials of these organizations. Grass roots activists are imprisoned for a few days to convince them that they should give up their union activities. They are harassed both in the cities and in the countryside. Their homes are threatened by mobs.

One of the main concerns of the Permanent Commission on Human Rights is the case of Carlos Acevedo Sirias, director of the CTN, who was detained on February 10, 1984. During the fourteen days in which he was kept in the prisons of the State Security of Managua he was subjected to torture, both physical and psychological, to force him to declare that the national directors of his union were involved with armed counter-revolutionary groups and with members of the CIA. Before freeing him he was forced to sign a document in which he admitted that he had been well treated in prison.

Charges against union leaders brought before the so-called Popular Anti-Somoza Tribunals have become commonplace since 1983; these are based on accusations of suspected counter-revolutionary activities and are not covered by the slightest judicial guarantees; recently four members of the Drivers' Union of the Urban Transport System of Managua (SIMOTUR), which is affiliated to CTN, were placed under the jurisdiction of these tribunals after being "under investigation" for six months. They were arrested after the trade union which they led had posted Wage Demands in front of the Ministry of Labor; although this case has already been brought to the attention of the Inter-American Commission on Human Rights, we renew our request that the Commission intercede with our government to obtain freedom for these Nicaraguan workers.

CONDITION OF POLITICAL PARTIES

Above all, this is an especially delicate subject, because beneath the appearance of democracy lies hidden the reality of Totalitarianism. We say the appearance of Democracy because in 1983 the government approved a Law on Political Parties, an Election Law and has announced the beginning of an Electoral Campaign which will climax in the General Election in November 1984. However, the law on political parties states that the goal of any party must be to contribute to what it calls "achievements of the Revolutionary Process"; in fact, this means that the parties must fall in line with the ideas and positions of the Party of the Sandinista Front.

The Electoral Law does not specify the mechanisms that guarantee impartiality in counting the votes, nor the essential conditions so that individuals can vote without coercion.

There is talk of elections only after the people's right to self determination has been snatched away, in such a way that opinions or actions which do not coincide with the party line are described as counter-revolutionary and as such are considered crimes.

There are numerous campaigns to discredit the national leaders of the democratic political parties, who are always described as "bourgeois," "reactionary" and "instruments of the CIA."

The right to hold public meetings has been suspended.

Middle echelon officials of the democratic parties and leaders of the youth groups of these same parties are assailed and struck in the open street.

Democratic political parties have no direct access to the media as a result of prior censorship, the suspension of independent news programs and television control by the Sandinista Front.

The arrest of middle echelon political leaders, attacks on their homes, public threats in official speeches and the open spying aimed at intimidating them, make the exercise of these political rights an exceptionally risky affair.

THE CONDITION OF EDUCATION

The Pact of San Jose established that parents have the right to educate their children according to their principles and values. However, this right is not recognized in Nicaragua. Mr. Sergio Ramirez, member of the Governing Junta, clearly states this in his speech: "There can never be parallel educational curricula in Nicaragua, whether or not they be religious, whether or not they are given by the Episcopal Conference. The right to teach is a scared right of the Revolution, which cannot be renounced or delegated but must be exercised to its ultimate consequences."

What the Fundamental Statute recognizes is the right of parents to put their children in non-State schools. But private schools have no autonomy whatsoever. The only reason that they are private is because of the tuition fees.

Through elaborate rules dictated by the Ministry of Education and constant oversight, the values, principles and programs of the government party are imposed, completely obliterating the autonomy of private centers.

If parents have lost their right to educate their children according to their principles and values, in the private schools, the situation is evern worse in the state schools: the national educational system has been converted into the instrument of Marxist-Leninist indoctrination of the Sandinista National Liberation Front. Students and professors are obliged to follow certain guidelines and to act and behave as the party directs.

FREEDOM OF SPEECH

Since March 15, 1982 when the National State of Emergency was announced, the right of freedom of speech and information was suspended for Nicaraguans. Since that time, 21 radio news programs have remained off the air. The previous censorship and closing down of radio stations went hand in hand with a series of violations against freedom of speech and information, including physicial attacks on directors of the media, attacks on their homes, destruction of radio transmitters by supposed pro-government fanatics who have never been punished for these criminal actions.

The newspaper, La Prensa, must present its news daily to the Ministry of the Interior, where all sorts of news items are censored, even though they may have nothing to do with the State of Emergency nor with national security. Obviously, no news relating to the violations of human rights is allowed to get through the censor.

On the occasion of religious celebrations for Holy week, the station Radio Corporazion, requested from the Agency on Communications and the Media permission to transmit the events organized by the Catholic Church, but it was denied.

The journalist, Luis Manuel Mora Sanchez, President of the Workers' Union of the paper, La Prensa, was detained on April 28 for having transmitted to a station in Costa Rica—of which he is a correspond-

ent—information about a protest made by about one hundred mothers of young men against military service. Mora Sanchez is still in the jails of the State Security in Managua and officials of this agency have indicated that he will be tried in the Popular Anti-Somoza Tribunals.

Finally, we would like to recall the tenth recommendation from the report of the Inter-American Commission on Human Rights of June 1981 on the condition of Human Rights in Nicaragua, which states: "To guarantee those organizations engaged in the promotion and protection of human rights complete autonomy and the freedom to carry out their activities, as well as the safety and complete freedom of their directors."

Despite this recommendation, employees of the Nicaraguan Permanent Commission on Human Rights have no guarantee that they can carry out their work, for example, we are not allowed to visit prisoners, Even worse, we are systematically prevented from carrying out our humanitarian work, to the degree that there are instructions in the various offices of the Ministry of the Interior not even to accept our correspondence, including, ironically, the Complaint Department of this Ministry. Lower echelon employees of our organization are summoned to the offices of State Security, to pressure them into becoming informers.

Gentlemen, the state of human rights in Nicaragua is serious, very serious and certainly extreme. If reflects a deep and widespread pain for the people of Nicaragua. As we explained in our letter to the Presidents of the Contadora Group, the flight of thousands and thousands of families is only the internationally visible aspect of this great pain of the Nicaraguan people.

Because of this, the Nicaraguan Permanent Commission on Human Rights hereby requests that the Inter-American Commission on Human Rights act urgently and, if possible, in some exceptional way with regard to Nicaragua. We request that you use those means which you deem most appropriate to speed up the procedures involving those cases that we have presented to you, especially those involving prisoners and we request that you send a permanent representative to Nicaragua for some time, so that your Commission may remain informed of the total picture and that you may act rapidly and expeditiously. We realize that it would be an extraordinary measure, but we believe that the pain of the Nicaraguan people merits it. We willingly offer you our offices to facilitate the work of this delegate.

A Spectrum of Nicaraguan Dissent

(By David Asman)

Managua, Nicaragua.—As I was leaving the Sandino airport here, a seemingly crazed Nicaraguan grabbed me by the arm. "You stupid Americans!" he said, loud enough so that a crowd of Nicaraguans moved away from us, suspecting at least an awkward confrontation. His eyes anxiously trained on two Sandinista guards nearby, the man pulled me closer. I was unprepared for his next comment, which he relayed in a whisper, "I am not Sandinista; I am Reaganite. Most of us are Reaganites." As he said this, his crazed expression disappeared and his face became quite serious. Only then did I realize that his initial approach had been hostile to throw off any eavesdroppers. We looked straight at each other for about three seconds before he let go of my arm and faded back into the crowd.

Two days earlier, I attended a Sunday Mass at Archbishop Miguel Obando y Bravo's parish church. Msgr. Obando was in Rome to meet with the pope, and this sermon in late April was delivered by his assistant, Bosco Vivas Robelo. The small church was packed, and I was squeezed between a barefoot campesino and a well-dressed woman. "Those who now condemn the church's leaders," said Msgr. Vivas, referring to Sandinista attacks on Church leaders, "should remember that when the bullets were flying in 1978 and 1979, it was Msgr. Obando who provided them with the cloak of safety." At the end of the sermon, the parishioners rose to their feet and applauded for a full minute, some shouting "Viva Obando!"

Open Opposition Emerging

Except for protests from a small community of dissidents such anti-Sandinista sentiments were hard to find in Managua during a similar visit last December. However, open opposition to the Marxist regime is emerging, despite the fact that the junta seems bent on stepping up attacks on opponents—be they newsmen, churchmen, or common men:

The arrest last week of radio broadcaster Luis Mora Sanchez showed the intent of the government's new press law, which, according to the law's preamble, demands that the press "convert itself into an agent of social change." The preamble goes on to state that "the revolutionary government has the duty to guarantee that the media are not used to push back the economic, social and political conquests that the people have achieved in the new Nicaragua." La Prensa, the country's highly censored independent newspaper, announced that the government's Cuban censors were now ordering it to put in articles not selected by the editors.

Roman Catholic bishops in Nicaragua were condemned by the government after they signed an Easter pastoral letter calling for dialogue between government leaders and the Nicaraguans fighting them. Sandinista junta leader Daniel Ortega condemned the church leaders for "support[ing] the aggressive plans of the American administration against the Nicaraguan people." Such language is viewed by many here as a prelude to arrest.

Marta Patricia Baltodano, national coordinator of the Nicaraguan Permanent Commission for Human Rights, has been keeping detailed accounts of individuals who have disappeared or turned up dead after publicly criticizing Sandinista policies. She operates out of an office repeatedly attacked by Sandinista-directed mobs.

"We were against Somoza, and our son fought with the Sandinistas," says one woman after the service at Msgr. Obando's church. "And for what?" She reaches into her bag and pulls out a roll of toilet paper. "I had to wait in line for two hours to get this. Meanwhile the comandantes drive around in their BMWs and relax in their beach houses. Now we have nine Somozas instead of one, and we are left to wait in line for a roll of toilet paper." Why doesn't she leave? "Where could we go? We're not rich. We have no relatives in the States or Costa Rica. Besides, we worked for years to buy our house. It's all we have. We can't leave what we struggled all our lives to get."

"The greatest miscalculation of the FSLN [Sandinista Front for the Liberation for Nicaragua] leaders," says a Managuan businessman who does contract work for the government, "was forcing all non-Sandinista elements out of the government too soon. If they had kept them in a little longer, they could blame the whole mess on the non-Sandinistas. Now everyone knows there's no one to blame but the FSLN."

Mario Rappaccioli, president of the Nicaraguan Democratic Conservative Party, reports that virtually all vestiges of the private sector have been eliminated in Nicaragua, despite Sandinista claims to a "mixed economy." Says Mr. Rappaccioli: "If the Sandinistas want to take over a company completely, they just leave up the signpost with the former owner's name. They are very conscious of appearances around here."

Perhaps the most important "appearance" the Sandinista leaders have been trying to maintain is that the war with the contras is a purely external affair—a revolt orchestrated and directed by the U.S. government. This is why they reacted so vehemently against the bishops' pastoral letter. While deploring violence by both sides of the conflict, the bishops emphasized that the problem was an internal one "pitting Nicaraguan against Nicaraguan. . . . It is dishonest to constantly blame internal aggression and violence on foreign aggression. It is useless to blame the evil past for everything without recognizing the problems of the present."

While few Nicaraguans living in the country are willing to voice public support for the contras, Sandinista attempts to portray the rebels as a "force of U.S.-inspired imperialism" seem to have backfired. Reports of U.S. support for the rebels have encouraged many in Managua with the thought that the outside world is aware of unhappiness with the Sandinistas.

At his headquarters in Teguicigalpa, Honduras, FDN (Nicaraguan Democratic Force) leader Adolfo Calero Protocarero claims his force of 8,000 contras is gaining strength as a result of extreme dissatisfaction within Nicaragua, not because of Central Intelligence Agency recruitment. Says Mr. Calero: "FSLN policies are responsible for our success. All the Sandinistas offer the people is the glory of sacrificing more for the revolution. But the revolution has become a symbol of misery. Every day our job becomes easier as the Sandinista army troops lose more of their will. They are asking themselves what they are fighting for."

Mr. Calero, who was once jailed by Somoza, claims the FDN isn't tied to the old dictator's regime, although a few of his fighters and commanders are former members of Somoza's National Guard. "Somoza is a dead Mafia chieftain who left no successor," he says.

Referring to the ARDE (Democratic Revolutionary Alliance) rebel forces in southern Nicaragua—headed by disaffected Sandinista leaders Eden Pastora and Alfonso Robelo—Mr. Calero adds, "We happen to be supporters of the free market, while Pastora and Robelo are socialist-minded. But we [the FDN and ARDE] could both operate within a democratic system where the people could choose which system they preferred. Now there is no choice within Nicaragua."

ARDE's Mr. Robelo, speaking at a restaurant in San Jose, Costa Rica, says, like the FDN in the north, supplies fail to keep up with the growing number of recruits. "We have 100 new men joining us a day," he claims. Admitting that "some of our money probably comes from the U.S. government," Mr. Robelo is curious why this should bother anyone. "I must have had over 250 interviews when we were fighting against Somoza in '78 and '79, and not one reporter asked us where the money was coming from

then. After the revolution, Daniel Ortega told me that $12 million came from 'our Salvadoran cousins'—which meant it came from the criminal activities of the Salvadoran guerrillas. Now how is it that U.S. taxpayers' money is considered dirtier than money that comes from kidnappings and robberies?"

Of more importance than direct U.S. funding for ARDE may be the question of whether it will be able to coordinate military actions with the forces of the FDN and the 2,000-man Misurasata contra forces, composed of Nicaraguan Indians. (A report in yesterday's New York Times that ARDE has decided officially to join forces with the FDN was denied by ARDE official Alvaro Hares. Contacted in Costa Rica yesterday, Dr. Hares said that while negotiations continue between the two rebel groups, they are no closer to resolving their differences.)

The FDN's Mr. Calero sees Eden Pastora's refusal to deal with his group until it fires a few ex-Somoza Guardsmen as a large stumbling block to unification. Says Mr. Calero: "These are not people who participated in atrocities against the people; we don't allow those type in our force. They are good commanders who are effective fighters and military leaders."

Likely to complicate matters further was the bombing on Wednesday night of ARDE's military command post during a news conference held by Mr. Pastora. Five people were reported killed, and Mr. Pastora himself received minor injuries. In a recording released to the press yesterday, he said the extreme right and the Sandinistas would blame each other for the blast, but that he didn't yet know who was responsible.

ENORMOUS SUPPORT

Whatever the outcome of bickering among the leaders of the Nicaraguan rebel factions, both forces have enormous support among the many thousands of refugees displaced by the fighting within Nicaragua. In one refugee camp outside the town of Tilaran in northwestern Costa Rica, about 3,000 Nicaraguan campesinos are united in their hatred of the Sandinistas and their support for the contras. Younger men claim they were threatened with death if they refused to join the Sandinista army, and some show scars that they claim were inflicted by Sandinista torturers asking for information about contras. Nearly all the men between the ages of 18 and 30 say they fought with ARDE forces for a time. One telltale sign that many have seen action can be seen in their footwear: the familiar black Sandinista-issue boots, stripped from dead Sandinista soldiers.

What the Nicaraguan refugees want most, however, is to see an end to the conflict so that they can return home. One toothless black woman from the area of Nicaragua known as Bluefields says she left her mother and walked alone in the jungles for eight days to escape from an area of fighting. Her mother stayed behind saying she was born in the area and would die there. Speaking the Caribbean English common to those living on Nicaragua's east coast, the woman explained why she believed the fighting would stop soon: "Them Sandinista men only get fighters by threats. We fight back with spirit. Everyone here in the camp knows they'd have to kill us all to kill our spirit."

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order of the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

RECESS UNTIL 2 P.M. TODAY

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now stand in recess until the hour of 2 p.m.

Thereupon, at 12 noon, the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when .called to order by the Presiding Officer (Mr. LUGAR.)

BANKRUPTCY AMENDMENTS OF 1984

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 5174, which the clerk will state.

The bill clerk read as follows:

A bill (H.R. 5174) to provide for the appointment of United States bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Thurmond Amendment No. 3083, in the nature of a substitute.

(2) Packwood Amendment No. 3112, relating to collective-bargaining agreements.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, while we are trying to determine where we are going next, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, will the Senator yield to me for just a moment?

Mr. DECONCINI. I yield 1 minute.

Mr. BAKER. I inquire of the Senator if he is preparing to speak as if in morning business?

Mr. DECONCINI. Yes, sir, Mr. President; I am.

Mr. BAKER. Mr. President, I believe it would be well to provide a brief period of time for the transaction of routine morning business. We have staff working on both sides of the aisle for clearances to take up certain bills. If the Senator does not object, I am going to provide for a 15-minute period for the transaction of routine morning business.

Mr. DECONCINI. I do not object, Mr. President.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there be a 15-minute period for the transaction of routine morning business and that Senators may be permitted to speak for not more than 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I thank the majority leader for supplying this time.

DAVID YOUNG

Mr. DECONCINI. Mr. President, a young person with great ideals and ambitions is one of this country's most valuable resources. It is with great regret that I speak of the tragic death of David Young, a hard working, energetic, and diligent senior at Cholla High School in Tucson, Ariz.

David excelled in everything he attempted. He was the bright light in this year's graduating class. His efforts, however, went far beyond academics. I knew David through his work on the Mondale campaign in Tucson.

David was a young man with a keen sense of purpose. He dared to work for change within the system. He was at once a doer and a young man with a vision. Those who knew him were impressed with his warm and special sense of humor.

His life was short, yet he touched many others and those who knew him were enriched by the experience. David was simply an inspiring young man. I am honored to have known him.

In his memory, a memorial fund at Cholla High School has been established in David Young's name. It will be used to send a Cholla High School student to Washington, D.C. through the Close-Up Foundation. I know David would be very proud and would have approved.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for

the transaction of routine morning business be extended until 3 p.m. under these same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BAKER. Mr. President, let me give Members who may be listening in their offices a little outline of where we are, and where we hope to be. We are trying to complete our clearances to go to the Indian affairs bill this afternoon, a resolution to make permanent the Indian Affairs Committee of the Senate.

I hope we are able to clear that in a few moments, that we will be able to take that matter up, and finish it this afternoon.

It is my hope, Mr. President, that we will be able to take up the energy-water appropriations bill tomorrow when the Senate convenes, and that at the conclusion of that bill tomorrow—but, in any event, at the close of business tomorrow evening—it is the hope of the leadership on this side that we will be able to go to the DOD authorization bill.

First, of course, we would have to go to the budget resolution which accompanies that measure. I have had extensive conversations with the minority leader on that subject, and it is my understanding that he is not in a position to give final clearance on an order to provide that DOD would be made pending at the close of business tomorrow. But I wonder if the minority leader could indicate to me what he thinks the prospects might be for reaching DOD authorization at the close of business tomorrow, so that it would be pending when we return on Thursday.

Mr. BYRD. Mr. President, clearance can be given now for proceeding to the Indian Affairs measure. On energy and water, I will have to continue to explore that with reference to the 3-day rule. The 1-day rule problem, of course, the majority leader can cure, if he so wishes.

On the DOD measure, as of now, I think we would not have a problem laying that down tomorrow at the close of business.

I am not prepared today to agree to that request, if it were made today. It would be possible tomorrow, but I cannot yet guarantee that. I hope we will be able to do it tomorrow.

Mr. BAKER. Mr. President, I am most grateful to the minority leader. I would think that, based on that statement, we should assume, then, that we will attempt to lay down the DOD authorization bill as the last item of business on tomorrow so that it will be before the Senate on Thursday.

Mr. TOWER. Mr. President, if the distinguished majority leader will yield, it is my understanding, then, that we would dispose of the budget waiver and lay down the DOD authorization bill and make it the pending business tomorrow evening, by the close of business tomorrow evening, provided the proper clearances can be in hand by that time.

Mr. BAKER. That would be the intention of the leadership on this side. The Senator is correct, the clearances have not yet been completed on the other side of the aisle, but I am optimistic they will be, based on the statements earlier made.

Mr. TOWER. Mr. President, I will ask the legislative leader if we can come in early on Thursday and put in a full day on the DOD authorization. By that time I am certain that most Members will have returned, although some are engaged in D-Day ceremonies in Normandy today and tomorrow. But by that time, I expect everybody will be back and ready to go to work. I would expect to get substantive work done on Thursday and into Thursday evening, possibly, and Friday morning.

Mr. BAKER. I thank the Senator.

ORDER FOR RECESS UNTIL WEDNESDAY AT 10 A.M., AND FROM WEDNESDAY UNTIL THURSDAY AT 9:15 A.M.

Mr. BAKER. Mr. President, if I may at this time, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m. tomorrow, and that at the completion of its business on tomorrow it stand in recess until the hour of 10 a.m. on Thursday.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. Mr. President, reserving the right to object, and it is not my intention to object, let me ask the majority leader if we can come in earlier than that because we will have about an hour and a half on special orders. Could we be on the bill by 10:30 tomorrow?

Mr. BAKER. Mr. President, I have not yet consulted on the special order situation for Thursday.

Mr. President, I am told that there are requests for three special orders for Thursday morning. I will amend the request so the Senate will come in at 9:15 a.m. on Thursday and 10 a.m. on Wednesday.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I am also advised that the Judiciary Committee is scheduled to meet on Thursday morning at 10 o'clock for a markup on an important matter. I will consult with the minority leader on whether or not we can put a unanimous-consent request for that committee to meet. I will not put such a request at this time.

MAKING THE SELECT COMMITTEE ON INDIAN AFFAIRS A PERMANENT COMMITTEE OF THE SENATE

Mr. BAKER. Mr. President, I observe that the principals of the Indian Affairs resolution are here. The minority leader previously indicated he is prepared for us to go forward at this time.

Mr. President, I ask unanimous consent that the Senate temporarily lay aside the bankruptcy bill and proceed to the consideration of Calendar Order No. 523 (S. Res. 127) and that a call for regular order will not take down that measure.

The PRESIDING OFFICER. Is there objection?

Mr. QUAYLE. Mr. President, reserving the right to object, I have just arrived in the Chamber, but I have told the majority leader that I have an interest in this and indicated I do have several amendments. I wonder if we might have a quorum call so I might discuss this matter with the majority leader and get a little better feel on where we might be going on this.

Mr. BAKER. Mr. President, I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I am very, very grateful to the majority leader for having called up this resolution.

Mr. President, this is not an overnight matter. I have been here for nearly 30 years, and for nearly 30 years we have been trying to get the proper attention paid to the American Indian. All we have is a committee that has to be appointed for 2 years and then appointed for 2 more. I would certainly hope that my friend from Indiana would not hold up this opportunity to finally resolve this matter. I know of no other objector than my friend from Indiana.

Mr. President, those of us who have hundreds of thousands of Indians to worry about in our States and in our districts want to get this resolved. We have not paid proper attention to these people who were here long before we were in nearly 204 years of this country's history. I hope the Senator will not object.

Mr. QUAYLE. Mr. President, I wonder if I might be able to discuss this matter with the majority leader, if he will put in a quorum call.

Mr. BYRD. Mr. President, first, reserving the right to object, when the majority leader puts his request on the DOD bill, and maybe at some point having reference to the pending nomination which has been somewhat controversial, will it be his intention to insure that if such requests are grant-

ed, the bankruptcy bill will remain the unfinished business in any event?

Mr. BAKER. Mr. President, I am prepared to state that.

Mr. BYRD. I have no objection.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DURENBERGER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, may I say a word before the Chair puts the resolution before the Senate? The distinguished Senator from Indiana has indicated, and properly so, that he was caught by surprise in the sense that while he knew at some point the leadership would try to call this measure up, he did not realize it would be done this soon. I apologize to the Senator for that. But I believe he understands, as we have discussed it privately, that this is a window when we have an opportunity to do this. We may not have any more windows for weeks. We will be going on the DOD authorization, which will probably take 2 weeks, and then the energy-water bill, then the Wilkinson nomination. The authority for this committee is important.

Mr. President, the Senator has indicated to me that he will not object to my request. I, in turn, will indicate to him that we will have opening statements and general debate on this measure for the next hour and 20 minutes while he can marshal his resources and be prepared to go forward with the amendments he may offer.

With that explanation, Mr. President, and the assurance that I have given the Senator that he will have time to get his material together, I am prepared for the Chair to put the request.

Mr. QUAYLE. Mr. President, will the majority leader yield?

Mr. BAKER. Yes, Mr. President.

Mr. QUAYLE. The majority leader has stated the request accurately. I would like to reiterate what I have said and I have told the Senator from North Dakota, the Senator from Arizona, and others that I would not stand in the way of this bill being brought up but I do have several amendments I shall be offering. The only thing I had asked is that I be given 2 or 3 days' or so notice as to when this thing was going to be brought up. I was told up here in a press conference that it was going to be brought up and I am going to have to go back and rearrange my schedule to accommodate this.

It is not just the Committee on Indian Affairs, it is the whole committee structure. If we could go ahead and have opening statements or such for an hour or so, I would have time to see how I shall approach this.

I think it would be ill advised for the Senate to authorize on a permanent basis an additional committee, whether Indian Affairs or any other committee. We have too many committees as it is, too many subcommittees, I have heard too many Senators complain about that.

That is the objection. I do not want to be obstructionist to the leadership's desire, but I do hope the Senator understands the somewhat sensitive situation the Senator from Indiana is being put to at this moment. I have always been a quick study and, as a matter of fact, have put some things off a lot, in school and other places. I am willing to have a cram session so I can be prepared, but I am going to have to have some patience and deliberation on the part of the leadership, to see how this thing is coming in a very rapid fire way.

Mr. BAKER. Mr. President, I thank the Senator for his discussion and I thank him for his understanding of why the leadership is asking this.

Mr. GOLDWATER. Will my leader yield?

Mr. BAKER. Yes, Mr. President.

Mr. GOLDWATER. Mr. President, for the information of the Senator from Indiana, I heard about this 4 minutes ago or 3. If he feels unprepared, I feel equally unprepared, but this is something that has been around here for a long, long time. I would like to see it resolved.

Would the majority leader tell us again what he proposes will happen?

Mr. BAKER. Yes, Mr. President; I hope that in a moment, the Chair will grant the unanimous-consent request now pending and the clerk will then go forward to state the resolution which is Calendar Order No. 523. Then I have given a verbal or informal assurance to the Senator from Indiana that until 4:30, there will not be a vote on an amendment or final disposition on this measure so he will have time to go back to his office and try to get his affairs arranged and amendments in order.

Mr. GOLDWATER. I have a 4:15 appointment in Las Vegas.

Mr. BAKER. Mr. President, I must say it is in the time-honored tradition of the Senate to blame those who are not present. We have only the highest regard and respect for those of our colleagues who are not here, especially those who are celebrating the D-day invasion on Omaha Beach today, but I think it would be only a slight exaggeration to say that my mind turns back to that time in 1944, and at least General Eisenhower had all his people there and was able to go forward with his plans. I was even tempted to think I am having more trouble on D-day than he had. Obviously, that is not true, but I certainly am in terms of absentees.

That is no reflection on those who are there and those who are present, but only by way of a minor venting of my frustration at getting things done.

Now, Mr. President, I am prepared for the Chair to put the request.

Mr. BYRD. Reserving the right to object, Mr. President, can the majority leader assure me that there will be no nongermane amendments dealing with this matter that would deal with further rule changes?

Mr. BAKER. Mr. President, I have no problem with that. Let me propound an amendment to the unanimous-consent request and the Senator from Indiana and others will consider it.

As well, I ask unanimous consent that no nongermane amendment be in order to this measure.

Mr. QUAYLE. Reserving the right to object, Mr. President, will the minority leader—he wants no nongermane amendments affecting the rules? I do have—there may be some nongermane amendments to the bill itself. If that is what the unanimous-consent request would go to, then I would be in a very unfortunate position of having to object, because I do probably have some amendments that technically would be nongermane. Therefore, I am not exactly sure how this unanimous consent would work.

I might advise the majority leader and he can fashion this out as he always does. I do not want to be in a position of offering some potentially nongermane amendments.

Mr. BYRD. What I have reference to is any amendments which would effect changes in the rules that are not contemplated within this subject matter.

Mr. BAKER. Mr. President, I must say I am more concerned now that the minority leader brings that up, perhaps, than he is, because I can think of all sorts of mischief that can be perpetrated by amendments to this measure if we do not have that nongermane feature. I suppose we can get loose from it and go to something else.

Let me do this: I amend that amendment to say that no amendment dealing with rules of the Senate, with the exception of those changes which may be embodied in the resolution as reported, will be in order.

Mr. QUAYLE. Reserving the right to object, would this unanimous consent then go to dealing with other committees? Would that get into the rules of the Senate?

Let me just tell the Senate, the majority leader, and the minority leader also, that my concern about this is not necessarily the Indian Affairs Committee as such. It is the whole committee structure. I do not know exactly what this unanimous-consent request would

propound as far as the rules. I may have an amendment that would deal with the budget process, for example. That gets into the committee.

I think what this Indian Affairs Committee matter does, it really does go to the whole committee structure that we have. Therefore, I do not want to agree to any unanimous-consent request that would prohibit that, and I think it probably would. Therefore, unless I can be assured that it would not, the Senator from Indiana would be constrained to object to that unanimous-consent request.

I have just been advised by the staff that the Rules Committee says our amendments are not germane. So under that situation, I apologize, I would have to object.

The PRESIDING OFFICER. The objection is heard.

Mr. BAKER. Mr. President, I thank the Chair.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business until 3:30 p.m. under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 11:08 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5713. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1985, and for other purposes.

At 3:02 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the following bill:

H.R. 3960. An act to designate certain public lands in North Carolina as additions to the National Wilderness Preservation System.

The message also announced that the House has agreed to the amendments of the Senate to the following bills:

H.R. 3578. An act to establish the wilderness areas in Wisconsin; and

H.R. 4198. An act to designate certain national forest system lands in the State of Vermont for inclusion in the National Wilderness Preservation System and to designate a national recreation area.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5712. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1985, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 5712. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1985, and for other purposes; to the Committee on Appropriations.

H.R. 5713. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1985, and for other purposes; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations, with amendments:

H.R. 5653: A bill making appropriations for energy and water development for the fiscal year ending September 30, 1985, and for other purposes (Rept. No. 98-502).

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 394: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2723.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Daniel F. Bonner, of Maryland, to be Associate Director of the ACTION Agency.

(The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI:

S. 2724. A bill to assure greater competition for construction contracts to be let by the U.S. Army Corps of Engineers; to the Committee on Environment and Public Works.

By Mr. DECONCINI:

S. 2725. A bill to amend part A of title XVIII of the Social Security Act with respect to payment rates for hospice care; to the Committee on Finance.

By Mr. MELCHER (for himself, Mr. DOMENICI, Mr. ANDREWS, Mr. INOUYE, Mr. DECONCINI, Mr. GOLDWATER, Mr. MATSUNAGA, Mr. COCHRAN, Mr. KENNEDY, Mr. BURDICK and Mr. BINGAMAN):

S. 2726. A bill to promote the development of Native American culture and art; the the Select Committee on Indian affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 2724. A bill to assure greater competition for construction contracts to be let by the U.S. Corps of Engineers; to the Committee on Environment and Public Works.

COMPETITION FOR CORPS OF ENGINEERS CONTRACTS

● Mr. DOMENICI. Mr. President, I am today introducing legislation that would assure increased competition for construction contracts let by the U.S. Army Corps of Engineers. By augmenting competition, this bill should provide an opportunity to cut back on Federal spending.

Too often, I believe, the Corps of Engineers establishes its construction contracts at a size that allows only the largest companies to bid for them. This is wrong. It is wasteful. It eliminates the smaller firms from the competitive bidding process, and thus it inherently imposes higher costs on the American taxpayers.

My bill is brief and clear. It directs the Corps to assure that contracts are let in a manner that makes them available to small and medium sized firms. Further, the bill states that the Corps may no longer impose on contractors recordkeeping requirements that would otherwise be the responsibility of the Corps. Such a shift in responsibility has been significant, I understand, further working to exclude the smaller and medium sized firms.

Mr. President, I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2724

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that it is necessary and cost-effective to encourage as many bidders as possible for contracts to be let by the Secretary of the Army, acting through the Chief of Engineers, and that it is therefore the policy of Congress to direct the Secretary to prepare any proposal for the construction of a civil works project in a manner that assures, to the greatest extent reasonable, that no potential bidder shall not be precluded from competing fairly for such contract because of the size of such bidder.

SEC. 2. The Secretary is further directed not to require that contractors on civil works construction projects under his direction be required to perform record-keeping that is, by law or regulations, the responsibility of the Secretary.●

31-059 O-87-18 (Pt. 11)

By Mr. DECONCINI:

S. 2725. A bill to amend part A of title XVIII of the Social Security Act with respect to payment rates for hospice care; to the Committee on Finance.

PAYMENT RATES FOR HOSPICE CARE

Mr. DECONCINI. Mr. President, today I am introducing legislation regarding a component of health care which should be of concern to us all. I am referring to hospice care for the terminally ill and, more specifically, to the medicare reimbursement rates established by the Health Care Financing Administration (HCFA) for this care.

All of us are familiar with the intense suffering which accompanies the final stages of cancer and many other terminal illnesses. And all of us are interested in preserving the quality of life to terminal patients. Hospice care is designed to alleviate the pain and suffering of terminal patients rather than to continue conventional therapies, many of which diminish the mental and physical capacity of patients thereby depriving them of the right to die with dignity. Although a relatively new concept in the United States, hospice care has provided a much more humane and less costly alternative to orthodox institutional care for the terminally ill, and it should be encouraged.

In the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), Congress recognized the desirability of hospice care as an alternative to institutionalization by authorizing reimbursement for such services under medicare. Unfortunately, the viability of the medicare hospice benefit is today in jeopardy because of the unrealistic reimbursement rates which have been established by HCFA. Unless we have a sufficient number of participants in the medicare hospice program, Congress will not have an adequate data base on which to evaluate its effectiveness. And unless we establish reasonable reimbursement rates, we will not be able to attract sufficient participants to have a representative sample. This is our dilemma as well as our challenge.

An alarming number of hospices are choosing not to participate in medicare because, quite simply, HCFA's reimbursement rates do not begin to cover their costs. As of May 23, 1984 only 81 hospices, out of approximately 1,500 nationwide, have been certified by HCFA for medicare reimbursement. Another 21 hospices are currently in the final stages of the certification approval process. Simple arithmetic tells us that less than 100 hospices may elect to participate in the program. To compound the problem, some hospices that have been certified are not applying for reimbursement because it is not financially feasible for them to do so. One of those certified, but nonparticipating, hospices is located in my home State of Arizona.

The cost of medicare is escalating at a dramatic rate. If we hope to preserve this vital health care program for future generations of our elderly citizens, then we must find more cost efficient alternatives to traditional care. Hospice care is one of those alternatives and we must give this program a chance to succeed.

The legislation I am proposing today would raise the medicare daily reimbursement rates for hospice care to the levels originally proposed by HCFA in August 1983. Unfortunately, due to pressure from OMB, those rates were subsequently revised downward and published on December 16, 1983. These reimbursement rates are unrealistic and have discouraged participation in the medicare hospice program.

HCFA justified the lower reimbursement rates by relying on data accumulated from the 26 HCFA hospice demonstration projects. These projects do not provide an accurate measure of costs since the range of services provided under the demonstrations was not as extensive as is required under existing law and regulations. In addition, the demonstration projects were, in general, much larger than the vast majority of hospices which resulted in economies which cannot be realized in the typical, smaller hospice.

The following is a chart of the comparison of the medicare reimbursement for hospice care as originally proposed by HCFA, as revised by HCFA in December 1983, and as proposed in the pending bill.

Types of daily rates	August	December	Under this bill
Routine home care	$53.17	$46.25	$53.17
Continuous home care	311.96	358.67	358.67
Inpatient respite care	65.65	55.33	61.65
General inpatient care	271.00	271.00	271.00

The rate increases I am proposing in this legislation are modest, but they are essential to have a successful hospice program under medicare. In addition, they will result in long-term savings for the medicare program. At a time when traditional hospital costs are escalating at wholly unacceptable rates, we ought to be encouraging programs which provide a cost effective alternative to conventional institutional care. The hospice program meets that standard.

Ironically, HCFA's own study provides evidence that an increasing portion of the medicare dollar is being spent for intensive hospital care in the last year of life. According to the study, almost half the cost of that care occurs within the last 60 days of life, with costs for cancer patients higher than all other diagnostic categories. Thus, according to the study, "hospice care could potentially impact on a large amount of costs." If this data is reliable, and I assume it is, then let us give the hospice program a chance to realize medicare savings while, at the same time, providing a more humane approach to the care of the terminally ill. We can do so by establishing more reasonable medicare reimbursement rates and I urge your support for this legislation.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1814(i)(1) of the Social Security Act is amended—

(1) by inserting "(A)" after "(i)(1)", and

(2) by adding at the end thereof the following new subparagraphs:

"(B) In establishing rates of payment for hospice care under subparagraph (A), the Secretary shall not establish a rate of payment which is less than—

"(i) $53.17 per day for routine home care,

"(ii) $358.67 per day for continuous home care,

"(iii) $61.65 per day for inpatient respite care, and

"(iv) $271 per day for general inpatient care.

"(C) The Secretary shall not less often than annually review and, as appropriate, increase the payment rates established under this paragraph, and report to Congress periodically on such review and such adjustments and on the adequacy of the rates under this paragraph in ensuring participation by an adequate number of hospice programs under this title.".

(b) The amendment made by subsection (a) shall apply to hospice care provided on or after the first day of the first month beginning after the date of the enactment of this Act.

By Mr. MELCHER (for himself, Mr. DOMENICI, Mr. ANDREWS, Mr. INOUYE, Mr. DECONCINI, Mr. GOLDWATER, Mr. MATSUNAGA, Mr. COCHRAN, Mr. KENNEDY, Mr. BURDICK, and Mr. BINGAMAN):

S. 2726. A bill to promote the development of Native American culture and art; to the Select Committee on Indian Affairs.

NATIVE AMERICAN CULTURE AND ART DEVELOMENT ACT

● Mr. MELCHER. Mr. President, during the 97th Congress, I introduced S. 792, a bill for the preservation and development of Native American art and culture. After extensive hearings, the bill was reported by the Select Committee on Indian Affairs on April 29, 1982, and adopted by the Senate on May 10, 1982. Unfortunately the House did not act on the bill during the last Congress. In the interim Senator DOMENICI and I have worked closely with numerous groups and individuals with a deep interest in this legis-

lation which has allowed us to clarify a number of issues in the bill.

Today we are introducing another version of the Native American art and culture bill which incorporates many of these suggestions. This legislation will provide Federal support for Indian art and culture. While the artistic and cultural heritage of the United States has had numerous influences, the only genuinely native heritage derives from the Indian people, Unfortunately, without impetus from the Federal Government, there is a clear danger not only that much of our existing Indian art and culture will be lost to future generations but continuing artistic expression will be stymied.

The unique aspects of American Indian art and culture must be preserved and fostered by a sensitive and concerned approach both to the historical and ongoing contributions of native Americans. Current Federal initiatives in this area are fragmented and inadequate.

This bill would establish an Institute of Native American Culture and Arts Development directed by a board of trustees, a majority of which will be Indians. The primary functions of the Institute will be to provide the scholarly study of, and the instruction in, the arts to culture of native Americans and to establish programs which culminate in the awarding of degrees in various fields of native American art and culture.

It is important to note that the Institute's programs would be designed to complement existing tribal programs for the advancement of native American art and culture. The Institute would pay a crucial role in coordinating efforts to preserve, support, revitalize, and develop evolving forms of native American art and culture.

The Institute will have authority to create a Center for Culture and Art Studies and a Center for Research and Cultural Exchange and will incorporate the functions of the existing Institute of American Indian Arts.

The establishment of an institute encompassing the art and culture of Indian people is not a new concept but, I believe, it is one whose time has come. The Senate Special Subcommittee on Indian Education in its 1969 report, "Indian Education: A National Tragedy—A National Challenge," recommended the creation of such an institute and emphasized that—

> The information such as an Institute could disseminate, as well as the research which it would conduct, would greatly increase public knowledge and understanding of the American Indian (Senate Report 91-501, p. 126).

Fifteen years have passed since the Senate received that recommendation. With the introduction of this bill, the Senate will have the opportunity to consider this proposal.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Native American Culture and Art Development Act".

FINDINGS

SEC. 2. The Congress finds and declares that—

(1) Native American art and culture has contributed greatly to the artistic and cultural richness of the Nation;

(2) Native American art and culture occupies a unique position in American history as being our only native art form and cultural heritage;

(3) the enhancement and preservation of this Nation's native art and culture has a fundamental influence on the American people;

(4) although the encouragement and support of Native American arts and crafts are primarily a matter for private, local, and Native American initiative, it is also an appropriate matter of concern to the Federal Government;

(5) it is appropriate and necessary for the Federal Government to support research and scholarship in Native American art and culture and to complement programs for the advancement of Native American art and culture by tribal, private, and public agencies and organizations;

(6) current Federal initiatives in the area of Native American art and culture are fragmented and inadequate; and

(7) in order to coordinate the Federal Government's effort to preserve, support, revitalize, and disseminate Native American art and culture, it is desirable to establish a national Institute of Native American Culture and Arts Development.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "Native American art and culture" includes, but is not limited to, the traditional and contemporary expressions of Native American language, history, visual and performing arts, and crafts.

(2) The term "Institute" means the Institute of Native American Culture and Arts Development established by this Act.

(3) The term "Native American" means any person who is a member of an Indian tribe or is a Native Hawaiian.

(4) The term "Indian tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians.

(5) The term "Native Hawaiian" means any descendant of a person who, prior to 1778, was a native of the Hawaiian Islands.

(6) The term "Secretary" means the Secretary of the Interior.

(7) The term "Board" means the Board of Trustees established under section 5.

ESTABLISHMENT OF INSTITUTE

SEC. 4. (a) There is hereby established a corporation to be known as the "Institute of Native American Culture and Arts Development", which shall be under the direction and control of a Board of Trustees established under section 5.

(b) The corporation established under subsection (a) shall have succession until dissolved by Act of Congress. Only the Congress shall have the authority to revise or amend the charter of such corporation.

BOARD OF TRUSTEES

SEC. 5. (a) The Board shall be composed of 18 members as follows:

(1) twelve members appointed by the President of the United States by and with the advice and consent of the Senate from among individuals from private life who are Native Americans widely recognized in the field of Native American art and culture;

(2) three members appointed by the President pro tempore of the Senate, upon the recommendation of the majority leader and the minority leader of the Senate, and

(3) three members appointed by the Speaker of the House of Representatives, upon the recommendation of the majority leader and the minority leader of the House of Representatives.

(b) In making appointments pursuant to subsection (a)(1), the President of the United States shall—

(1) consult with the Indian tribes and the various organizations of Native Americans; and

(2) give due consideration to the appointment of individuals who will provide appropriate regional and tribal representation on the Board.

(c)(1) The term of office of each member of the Board appointed pursuant to subsection (a)(1) shall be six years, except that of such members first appointed, four shall serve for a term of two years, four for a term of four years, and four for a term of six years, as designated by the President as of the time of appointment. Any member of the Board appointed pursuant to subsection (a)(1) to fill a vacancy occurring prior to the expiration of the term to which his predecessor was appointed shall be appointed for the remainder of the term. No member of the Board appointed pursuant to subsection (a)(1) shall be eligible to serve in excess of two consecutive terms, but may continue to serve until his successor is appointed.

(2) The term of office of each Member of Congress appointed to the Board under subsection (a) shall expire at the end of the congressional term of office which such Member holds at the time of such appointment.

(d) The President of the United States shall designate the initial Chairman and Vice Chairman of the Board from among the members of the Board appointed pursuant to subsection (a)(1). Such Chairman and Vice Chairman so designated shall serve for twelve calendar months. The Chairman and Vice Chairman shall thereafter be elected by the members of the Board appointed pursuant to subsection (a)(1) and shall serve for terms of two years. In the case of a vacancy in the office of Chairman or Vice Chairman, such vacancy shall be filled by the members of the Board appointed pursuant to subsection (a)(1) and the member filling such vacancy shall serve for the remainder of the unexpired term.

(e) Unless otherwise provided by the bylaws of the Institute, a majority of the members of the Board shall constitute a quorum.

(f) The Board is authorized—

(1) to formulate the policy of the Institute;

(2) to direct the management of the Institute; and

(3) to make such bylaws and rules as it deems necessary for the administration of its functions under this Act, including the organization and procedures of the Board.

(g) Members of the Board appointed pursuant to subsection (a)(1) shall, for each day they are engaged in the performance of the duties under this Act, receive compensation at the rate of $125 per day, including traveltime. All members of the Board, while so serving away from their homes or regular places of business, shall be allowed travel expenses (including per diem in lieu of subsistence), as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

PRESIDENT; EMPLOYEES

SEC. 6. (a) The Board shall appoint a President of the Institute. The President of the Institute shall serve as the chief executive officer of the Institute. Subject to the direction of the Board and the general supervision of the Chairman, the President of the Institute shall have the responsibility for carrying out the policies and functions of the Institute, and shall have authority over all personnel and activities of the Institute.

(b) The President of the Institute shall be compensated at an annual rate not to exceed that prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(C) The President of the Institute, with the approval of the Board, shall have the authority to appoint and fix the compensation and duties of such officers and employees as may be necessary for the efficient administration of the Institute. Such appointments and compensation may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

GENERAL POWERS OF THE INSTITUTE

SEC. 7. In carrying out the provisions of this Act, the Institute shall have the power, consistent with the provisions of this Act—

(1) to adopt and alter a corporate seal, which shall be judicially noticed;

(2) to make agreements and contracts with persons, Indian tribes, and private or governmental entities and to make payments or advance payments under such agreements or contracts without regard to section 3324 of title 31, United States Code;

(3) to sue and be sued in its corporate name and to complain and defend in any court of competent jurisdiction;

(4) to represent itself, or to contract for representation, in all judicial, legal, and other proceedings;

(5) with the approval of the agency concerned, to make use of services, facilities, and property of any board, commission, independent establishment, or executive agency or department of the executive branch in carrying out the provisions of this Act and to pay for such use (such payments to be credited to the applicable appropriation that incurred the expense);

(6) to use the United States mails on the same terms and conditions as the executive departments of the United States Government;

(7) to obtain insurance or make other provisions against losses;

(8) to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, and to accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(9) to solicit, accept, and dispose of gifts, bequests, devises of money, securities, and other properties of whatever character, for the benefit of the Institute;

(10) to receive grants from, and enter into contracts and other arrangements with, Federal, State, or local governments, public and private agencies, organizations, and institutions, and individuals;

(11) to acquire, hold, maintain, use, operate, and dispose of such real property, including improvements thereon, personal property, equipment, and other items, as may be necessary to enable the Board to carry out the purposes of this Act;

(12) to use any funds of property received by the Institute to carry out the purposes of this Act; and

(13) to exercise all other lawful powers necessarily or reasonably related to the establishment of the Institute in order to carry out the provisions of this Act and the exercise of the powers, purposes, functions, duties, and authorized activities of the Institute.

FUNCTIONS OF THE INSTITUTE

SEC. 8. (a) The primary functions of the Institute shall be—

(1) to provide scholarly study of, and instruction in, the arts and culture of Native Americans, and

(2) to establish programs which culminate in the awarding of degrees in the various fields of Native American art and culture.

(b) There shall be established within the Institute—

(1) a Center for Culture and Art Studies to be administered by a director (appointed by the President of the Institute, with the approval of the Board), which shall include, but not be limited to, Departments of Arts and Sciences, Visual Arts, Performing Arts, Language, Literature, and Museology; and

(2) a Center for Research and Cultural Exchange, administered by a director (appointed by the President of the Institute, with the approval of the Board), which shall include—

(A) a museum of Native American arts,

(B) a learning resources center,

(C) programs of institutional support and development,

(D) research programs,

(E) fellowship programs,

(F) seminars,

(G) publications,

(H) scholar-in-residence and artist-in-residence programs, and

(I) inter-institutional programs of cooperation at national and international levels.

(c) In addition to the centers and programs described in subsection (b), the Institute shall develop such programs and centers as the Board determines are necessary to—

(1) foster research and scholarship in Native American art and culture through—

(A) resident programs,

(B) cooperative programs, and

(C) grant programs;

(2) complement existing tribal programs for the advancement of Native American art and culture; and

(3) coordinate efforts to preserve, support, revitalize and develop evolving forms of Native American art and culture.

NONPROFIT AND NONPOLITICAL NATURE OF THE INSTITUTE

SEC. 9. (a) The Institute shall have no power to issue any shares of stock, or to declare or pay any dividends.

(b) No part of the income or assets of the Institute shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(c) The Institute may not contribute to, or otherwise support, any political party or candidate for elective public office.

TAX STATUS

SEC. 10. The Institute and the franchise, capital, reserves, income, and property of the Institute shall be exempt from all taxation now or hereafter imposed by the United States, or by any State, county, municipality, Indian tribe, or local taxing authority.

TRANSFER OF FUNCTIONS

SEC. 11. (a) There are hereby transferred to the Institute, and the Institute shall perform, the functions of the Institute of American Indian Arts established by the Secretary of the Interior in 1962.

(b)(1) All personnel, liabilities, contracts, personal property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of this Act, are transferred to the Institute.

(2) Personnel engaged in functions transferred by this Act shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions, except that such transfer shall be without reduction in classification or compensation for one year after such transfer.

(c) All laws and regulations relating to the Institute of American Indian Arts transferred to the Institute by this Act shall, insofar as such laws and regulations are applicable, remain in full force and effect. With respect to such transfers, reference in any other Federal law to the Institute of American Indian Arts, or any officer so transferred in connection therewith, shall be deemed to mean the Institute.

ANNUAL REPORT

SEC. 12. The President of the Institute shall submit an annual report to the Congress and to the Board concerning the status of the Institute during the twelve calendar months preceding the date of the report. Such report shall include, among other matters, a detailed statement of all private and public funds, gifts, and other items of a monetary value received by the Institute during such twelve-month period and the disposition thereof as well as any recommendations for improving the Institute.

HEADQUARTERS

SEC. 13. The site of the Institute of American Indian Arts, at Santa Fe, New Mexico, shall be maintained as the location for the Institute of Native American Culture and Arts Development. To facilitate this action and the continuity of programs being provided at the Institute of American Indian Arts, the Secretary is authorized to enter into negotiations with State and local governments for such exchanges or transfers of lands and such other assistance as may be required.

APPLICATION WITH OTHER ACTS

SEC. 14. (a) The Institute shall comply with the provisions of—

(1) Public Law 95-341 (42 U.S.C. 1996), popularly known as the American Indian Religious Freedom Act,

(2) the Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa, et seq.), and

(3) the National Historic Preservation Act (16 U.S.C. 470, et seq.).

(b) All Federal criminal laws relating to larceny, embezzlement, or conversion of the funds or property of the United States shall apply to the funds and property of the Institute.

AUTHORIZATION

SEC. 15. There are authorized to be appropriated to carry out the purposes of this Act—

(1) for the fiscal year beginning October 1, 1985, the sum of $4,000,000, and

(2) for each fiscal year thereafter, such sum as may be necessary to carry out such purposes.●

● Mr. DOMENICI. Mr. President, Senator MELCHER and I have worked on this legislation together since our hearing in Santa Fe, N. Mex., in April 1980. We have learned a lot about the feelings and attitudes of the Pueblo Indians and the Navajo Nation in the Southwest.

Art and culture are inseparable from the daily lives and religion of the Indian people of New Mexico. In earlier hearings we heard quite strongly from the Pueblo leadership on their feelings of privacy as related to any national institute. Delfin J. Lovato, chairman of the All Indian Pueblo Council, told us in July 1981, that "teaching of Indian rituals, Indian dances, and Indian songs as part of the institute's functions * * * is very offensive to Pueblo communities." "The Pueblo leadership," he continued, "and the Pueblo community strongly feel that part of our culture, traditions, and heritage belongs to the Pueblo people alone. We do not want our dances or our songs being taught, copied, or in any way practiced in any national institute." To the Pueblo people, art and religion are very closely related.

In response to these concerns, we have modified our legislation so that we create a national institute to teach quality art and culture skills and to serve as a center for scholarship and research without infringing on the freedoms of Indian people to carry on their own traditions. Our focus, as stated in section 8 of the bill, is to "coordinate efforts to preserve, support, revitalize and develop evolving forms of Native American art and culture." This Institute will not teach or attempt to carry forward specific Pueblo or tribal customs or religions. Rather, it will enhance student skills in expressing attributes of Indian art and culture appropriate to such a national institute.

Our several cosponsors believe, Mr. President, that we are truly enhancing the proper Federal role in preserving native American art and culture in a manner that is tasteful and fully respectful of local customs and traditions. We are taking the currently fragmented pieces of the Federal effort and forging a new tax exempt, federally chartered and supported institute that will not be subject to the whims of bureaucratic control. We are encouraging private donations and support under the stewardship of an 18-member board of trustees, a majority of whom will be Indians. We also specify that Santa Fe, N. Mex., will be the site of the Institute for Native American Culture and Arts Development. All functions of the existing Institute for American Indian Arts will be incorporated into the new Institute for Native American Culture and Arts Development.

This legislation is vital to the future development of a national effort to promote Indian art education and scholarship in a manner that can attract private support and tap the special talents and resources of the Indian people of this Nation. The success stories of the current Institute for American Indian Art generate a belief that by removing the unnecessary barriers, we will be promoting Indian self-determination and self-education at a high level of quality.●

ADDITIONAL COSPONSORS

S. 2031

At the request of Mr. MOYNIHAN, the names of the Senator from North Dakota (Mr. BURDICK), the Senator from Utah (Mr. HATCH), the Senator from Maine (Mr. MITCHELL), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of S. 2031, a bill relating to the residence of the Amercian Ambassador to Israel.

S. 2380

At the request of Mr. HEINZ, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2380, a bill to reduce unfair practices and provide for orderly trade in certain carbon, alloy, and stainless steel mill products, to reduce unemployment, and for other purposes.

S. 2636

At the request of Mr. SASSER, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 2636, a bill to require the Administrator of General Services to notify State and local governments and agencies thereof prior to the disposal of surplus real property.

S. 2650

At the request of Mr. KASTEN, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 2650, a bill to enable the Consumer Product Safety Commission to protect the public by ordering notice and repair, replacement or refund of certain toys or articles intended for use by children if such toys or articles create a substantial risk of injury to children.

S. 2719

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 2719, a bill to amend title 23, United States Code, to direct the Secretary of Transportation to withhold a percentage of the apportionment of certain Federal-aid highway funds to be made to any State which does not establish a minimum drinking age of 21 years.

SENATE JOINT RESOLUTION 240

At the request of Mr. INOUYE, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Alabama (Mr. DENTON), the Senator from Arkansas (Mr. PRYOR), and the Senator from Kansas (Mr. DOLE), were added as cosponsors of Senate Joint Resolution 240, a joint resolution relating to the 40th anniversary of the liberation of Rome.

SENATE JOINT RESOLUTION 253

At the request of Mr. PRESSLER, the name of the Senator from South Dakota (Mr. ABDNOR), was added as a cosponsor of Senate Joint Resolution 253, a joint resolution to authorize and request the President to designate September 16, 1984, as "Ethnic American Day."

SENATE JOINT RESOLUTION 270

At the request of Mr. COCHRAN, the names of the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Michigan (Mr. RIEGLE), were added as cosponsors of Senate Joint Resolution 270, a joint resolution designating the week of July 1 through July 8, 1984, as "National Duck Stamp Week" and 1984 as the "Golden Anniversary Year of the Duck Stamp."

SENATE JOINT RESOLUTION 272

At the request of Mr. MURKOWSKI, the names of the Senator from Oklahoma (Mr. NICKLES), and the Senator from Illinois (Mr. DIXON), were added as cosponsors of Senate Joint Resolution 272, a joint resolution recognizing the anniversaries of the Warsaw Uprising and the Polish resistance to the invasion of Poland during World War II.

SENATE JOINT RESOLUTION 287

At the request of Mr. D'AMATO, the name of the Senator from Illinois (Mr. DIXON), was added as a cosponsor of Senate Joint Resolution 287, a joint resolution to authorize and request the President to designate January 27, 1985, as "National Jerome Kern Day."

SENATE JOINT RESOLUTION 298

At the request of Mr. HUDDLESTON, the name of the Senator from Massachusetts (Mr. KENNEDY), was added as a cosponsor of Senate Joint Resolution 298, a joint resolution to proclaim the month of July 1984 as "National Ice Cream Month" and July 15, 1984, as "National Ice Cream Day."

SENATE CONCURRENT RESOLUTION 99

At the request of Mr. HUDDLESTON, the name of the Senator from Texas (Mr. BENTSEN), was added as a cosponsor of Senate Concurrent Resolution 99, a concurrent resolution expressing the sense of Congress that Federal bank regulatory agencies should require their examiners to exercise caution and restraint in adversely classifying loans made to farmers and ranchers.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, the Committee on Agriculture, Nutrition, and Forestry has scheduled a full committee markup on S. 1300, S. 2646, and H.R. 3050, legislation to amend the Rural Electrification Act of 1936.

The hearing will be held on Thursday, June 7, 1984, at 10 a.m. in room 328-A Russell Senate Office Building.

For further information please contact the Agriculture Committee staff at 224-0014 or 224-0017.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 5, at 2 p.m., to hold a business meeting to consider resolutions and nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

● Mr. GOLDWATER. Mr. President, I am delighted that the Senate has acted on S. 540, a bill I introduced to create a separate National Institute of Arthritis and Musculoskeletal and Skin Diseases. I would like to compliment the coauthors of the bill, Senator HATCH, chairman of the Labor and Human Resources Committee, and Senator CRANSTON, who authored the Arthritis Act of 1974, for their special assistance and work on behalf of this legislation. I also would like to single out my friend from Idaho, Senator SYMMS, who has done everything he possibly could to promote the bill. In all, I believe 47 Senators have joined as sponsors of S. 540, and I ask that a complete list of the sponsors may appear at the end of my remarks.

Mr. President, S. 540 would create within the National Institutes of Health a separate Institute to attack the many disorders which are clustered together under the name of arthritis. The research community believes, and I agree, that a separate Institute will place a higher priority on efforts to combat arthritis-related diseases than any Institute can do which has to divide its attention among 10 or 12 different disease areas. This is the defect in the present Institute. Even though arthritis appears in its name, the existing National Institute actually devotes far more attention and financial support to other disease groups, such as kidney and diabetes research, than it does to arthritis.

Over 37 million Americans suffer from some form of arthritis and the number grows by a million persons every year. Many forms of these diseases are chronic and disabling. However, there is realistic hope of some help for those of us who have or will have experienced arthritis. Experts in the scientific community believe that concentrated research efforts will lead to major breakthroughs in the prevention, treatment and potential cure of these diseases.

Mr. President, much of the growth in medicare hospitalization costs can be traced to arthritis. The same is true of the rising expense of workers' compensation payments. When we consider the tens of billions of dollars of medical expenses and lost earnings that can be traced directly to arthritis and when we take account of the human cost of pain and immobility caused by arthritis, we can see that the creation of a new Institute is not only justifiable, it will result in great savings to Government health and disability programs and improved worker performance.

Mr. President, I thank all of my colleagues for joining with us in passing the bill favorably and transferring arthritis to a separate Institute where something worthwhile can be accomplished.

The list of cosponsors follows:

SPONSORS OF S. 540, ARTHRITIS INSTITUTE

Senators Goldwater, Cranston, Hatch, Symms, DeConcini, Burdick, Biden, Pell, Simpson, Sarbanes, Humphrey, Nunn, Rudman, Inouye, Jackson.

Senators Hatfield, Metzenbaum, Melcher, Hollings, Bentsen, Kasten, Randolph, Dixon, Dodd, Glenn, Huddleston, Johnston, Pryor, Grassley, Helms.

Senators Hart, Byrd, Hawkins, Lugar, Jepsen, Matsunaga, Heinz, Mattingly, Andrews, Roth, Levin, Percy, D'Amato, Specter, Garn, Dole, and Bumpers.●

CARDINAL SIN: THE MEMORY OF BENIGNO AQUINO

● Mr. KENNEDY. Mr. President, it has been over 9 months since a friend of many in this Chamber, a lifelong Democrat and a true Filipino patriot, Senator Benigno Aquino, was struck down in Manila as he returned to his nation on a mission of reconciliation. The Philippine military's version of the killing now stands totally discredited. We still do not know the identity of the assassin, but few doubts remain about who is responsible.

During his recent visit to the United States, Cardinal Sin, the Archbishop of Manila, delivered a sermon on May 20 at St. Ignatius Church in Newton, Mass. Cardinal Sin spoke of Senator Aquino and he spoke of Philippine Government efforts to dismiss his memory.

If the recent elections in the Philippines show anything, they demonstrate that Ninoy's memory is alive and burning in the hearts of Filipino people. As Cardinal Sin said in Massachusetts:

> Ninoy may have been the stone whom the builders regarded as useless, but he will turn out to be the most important of all. When democracy finally returns to the Philippines, after the darkness of oppression shall have yielded to the light of freedom, you will say that Ninoy made it possible. You will say that Ninoy died so that the idea of freedom will continue to live in the Philippines.

Let us join with Cardinal Sin and the Filipino people in calling on the Philippine Government to relax its controls and restore democracy to the Philippines. Let us remain true to Ninoy's inspiration.

I ask that the full text of Cardinal Sin's sermon be printed in the RECORD.

The sermon follows:

SERMON BY ARCHBISHOP SIN, ST. IGNATIUS CHURCH, NEWTON, MASS.

My dear brothers and sisters in Christ: There is a passage in today's second reading from the first book of Peter which has compelling relevance to all Filipinos, in or out of the Philippines, at the present time. The passage is this, and I quote:

"The stone which the builders rejected as useless turned out to be the most important of all."

On August 21 last year, at the Manila International Airport, a man was sent sprawling on the tarmac, a bullet through the back of the head. As he lay dying and with his lifeblood gushing out of him, it was clear that he had been rejected. Rejected by the so-called nation-builders who had no use for him and who did not sympathize with his aspiration to restore the democratic tradition in the Philippines.

That man, I understand, lived and worked among you here. He attended Mass in this church regularly, and he made many friends here, most of whom are in this congregation today.

I say that this man was considered useless because, almost nine months to the day that he was gunned down mercilessly, the assassination has not been solved as yet. The version put forth by the military has been universally rejected, and the dreams of the Filipino people wanting the killers brought before the bar of justice have been frustrated.

I also say that this man was rejected, rejected categorically and unequivocally, because, as he told me and as he no doubt repeatedly told you also, he was coming to the Philippines on a mission of reconciliation,

not of confrontation. But he was never allowed to pursue that mission of peace; a weapon of hatred bored into his brain, stifling his message of peace.

If that was not rejection, what is?

He was rejected, too, regarded as absolutely useless, when, a week or so before the election of May 14, the President delivered a speech where he stated that this man of whom I speak was no longer an issue in the election. In other words, he was saying that the people had forgotten what he had tried to come home for, what he had tried to accomplish, what he had bled and died for.

No doubt, the President can pointedly ask everyone to look at the election results and, with a gloating note that he will not try to suppress, he will say that he was right, that Ninoy, indeed, was not an issue in the polls.

My dear brothers and sisters in Christ: you who knew and loved Ninoy, you who cannot understand why the Filipino people seemed to have forgotten him so quickly, you who are confused because you cannot believe how the sense of outrage experienced by the Filipinos over his death could so magically have turned into indifference and complacency, let me tell you this:

Ninoy may have been the stone whom the builders regarded as useless, but he will turn out to be the most important of all.

When democracy finally returns to the Philippines, after the darkness of oppression shall have yielded to the light of freedom, you will say that Ninoy made it possible. You will say that Ninoy died so that the idea of freedom will continue to live in the Philippines.

This, believe me, is not just empty, meaningless rhetoric.

When Ninoy died, shock waves of anger and outrage engulfed the Philippines. The anger made the people forget their fear—a fear induced by many years of martial rule and oppression, and they took to the streets in vigorous but peaceful protest.

Despite their sense of outrage, the people remembered that Ninoy came on a mission of peace. So they kept their demonstrations peaceful; they kept faith with Ninoy by confining themselves to non-violent forms of protest.

Then, after the national leadership made substantial concessions like the restoration of the vice-presidency and the elimination of block-voting, the demonstrations died down and the people began to gird for the elections.

Then the disillusionment crept in again. The conduct of the elections was such that it became clear that the government had no intention of being fair, of giving the opposition a chance to win. The results of the election are proof of that.

And the people, who had been lulled into a sense of complacency, began to remember Ninoy once again. And now, even as I am speaking to you, there is an undercurrent, a groundswell of dissatisfaction and repressed anger.

Will this compel the national leadership to relax its controls and restore democracy? I hope so. For, if it is not done, the dissatisfaction could escalate, and who can tell what the consequences would be?

Whatever the outcome, it would be clear that it was Ninoy who brought about the clamor for change, for a return to democratic processes. And when the cherished goal is finally attained, we would all realize that Ninoy, the stone rejected as useless by the builder, had become the cornerstone, the most important stone in the nation-building process.

My dear brothers and sisters in Christ: The Philippines, our beloved country, is today in a state of turmoil and uncertainty. It continues to reel from the economic crisis that Ninoy's death brought about. The people are restless, and it is important that, like it or not, the national leadership must effect changes for the better.

You can help hasten that process. By your sympathy and, more important, by your prayers to Him who is the Way, the Truth and the Life, you can help to bring a regime of justice and prosperity back to the Philippines. Thank you very much and God bless you all!●

THE CITY THAT FINDS ITS MISSING CHILDREN

● Mr. QUAYLE. Mr. President, an article appeared in the April issue of Reader's Digest detailing the fine work of the Indianapolis Police Department in its efforts to locate missing children. As the article states, 1592 reports of missing children were taken in 1982. "Every single one of those children has since been accounted for, most within a few weeks of their disappearance."

No doubt there are many reasons for the positive outcome of these cases, however, I believe several factors are crucial. The Indianapolis Police Department places a priority on locating missing children and the officers conduct their work in an atmosphere of dedication and caring. A cooperative effort with the news media in the Indianapolis area also contributes to the success rate. Supportive assistance from the Indianapolis community and surrounding jurisdictions provides needed encouragement.

Our children are our most valuable resource and I am proud of the efforts the Indianapolis Police Department and the community have made to keep this resource secure.

I would urge my colleagues to read this article and to encourage their local communities to follow this fine example.

I ask that the article from Reader's Digest be printed in the RECORD.

The article follows:

THE CITY THAT FINDS ITS MISSING CHILDREN

(By Gary Turbak)

(Indianapolis proves that one American tragedy—the annual disappearance of thousands of our children—can have a happy ending.)

At age 15, Mary ran away from her home in a western city. While hitchhiking in California, she was raped. Then her forearms were chopped off and she was left along a country road to die. Mary survived, and now she warns other youngsters not to run away.

Mary's heartbreaking experience is an all-too-familiar American tragedy. Every year in the United States, some 1.5 million children run away. About 85 percent of them are eventually found or else return on their own, but tens of thousands fall into the hands of pimps and pornographers, become hooked on drugs and resort to stealing to survive on the streets, or are murdered. At least 150,000 children a year are abducted, by either strangers or non-custodial parents. The majority of them are never found.

What makes the situation even more tragic is that so little is being done on a national basis to find these lost children. One city that is setting a shining example is Indianapolis, America's 12th-largest metropolis (pop. 700,807). In 1982, for instance, the missing-persons unit of the Indianapolis Police Department (IPD) took reports on 1592 missing youngsters. Every single one of those children has since been accounted for, most within a few weeks of their disappearance.

Last summer, I accompanied two IPD officers as they cruised the city's south side. Suddenly, a call came over the police radio: a three-year-old girl wearing green shorts had been reported missing from her home two blocks away. The officers turned the corner and there she was, green shorts and all, with four older children.

Detective Larry Summers called in: "Cancel that missing three-year-old. She's on her way home."

"That must be the quickest return on record," I said.

"We told you we worked fast," said Summers, smiling.

Obviously, not all children are found so easily. In October 1981 more than 30 officers searched four days before one 19-month-old child was found in an abandoned house. Police looked for two weeks last summer before a 13-year-old runaway finally turned up at a local high school. "We'll spend as much time as necessary to find these kids," says Sgt. Joe St. John, 48, head of the IPD's missing-persons unit.

In 1983 nearly ten percent (149) of the IPD's missing-child reports involved children under age 11. Ninety percent of these were false alarms—youngsters who had gone to visit friends or who were simply late coming home. That left 15 very young children who were truly missing. They were all found. The older missing juveniles, 1,627 of them, were mostly runaways. By year's end, only 43 of those cases were still open. St. John expected to find them, too.

What is responsible for this excellent record? First and foremost is the high priority given to missing youngsters. "There is no waiting period to report a missing child in Indianapolis," says St. John. "We take reports 24 hours a day, and missing-persons detectives are on call around the clock. Each case is assigned, often within 20 minutes, to one of the five full-time detectives whose primary job is to locate the missing."

Many other police departments insist on a 24-hour wait before even taking a report on a missing child, particularly an older one who might be a runaway. Others say they will do everything they can to locate a youngster, but their efforts are often ineffective because of inexperience or a lack of resources.

In Indianapolis, things are different. St. John urges parents to report runaways as soon as they are missed. Experience has shown that the sooner children are reported missing, the easier they are to find. Most runaways stay with someone they know for a while. If the search is delayed, the child may find new friends and become harder to locate.

The IPD's missing-persons unit was created in 1968. When St. John, a tough, street-savvy cop, took over the unit in 1978, he found policies and procedures poorly defined. For example, missing children received little publicity, and some parents call-

ing to report a runaway child were told to call back the next day.

St. John's philosophy is to do a job the best way as quickly as possible. To illustrate why he feels such urgency about missing kids, he tells the following story:

One Sunday in June 1981, a 16-year-old retarded girl, who had been despondent over her lack of friends, was reported missing by her mother. St. John questioned her classmates and learned that she had begun to hang out around Willard Park on the city's tough east side.

On Monday, St. John spend hours there, showing people the girl's picture. No one had seen her. Then, about 5 p.m., he spotted her talking to two men in a truck near the park.

St. John had found the missing girl, but she was not a pretty sight. She was dirty and disheveled and appeared to have been using drugs. Her thighs and stomach were worn raw from repeated sexual activity. In her desire to make friends, she had fallen prey to pimps.

When the girl and her family were tearfully reunited, St. John told her mother, "You're lucky. Sometimes when pimps have no more use for a girl, they kill her."

St. John never really goes off duty. Headquarters has orders to wake him whenever a youngster cannot be found at night. That's another secret to Indianapolis's success: the willingness of so many to go beyond what is asked of them. The IPD officers' caring attitude does not end once they locate a runaway. They try to find out why each child took off. "In some cases, sending the runaway home may be a bad thing to do," says St. John.

Officers work closely with child-abuse officials to determine whether a returned runaway needs to be removed from the home. Such a youngster may go to Stopover, a crisis service offering temporary housing and intense counseling for youngsters and their families. Other runaways are placed temporarily in the Marion County Children's Guardian Home, a facility for dependent, neglected and abused kids.

The IPD's concern for missing children reflects a community-wide attitude. "When a child is missing, people are quick to offer help," St. John reports. In April 1983, for example, six-year-old Maria failed to appear for dinner. When a neighbor heard the news, he walked to the child's house. "We've never met," he said, "but I'd like to help."

At one time, about 20 neighbors were looking for Maria. Just after dawn, the girl walked home. Afraid of being scolded for coming in late, she had spent the night hiding. "Those people who had been helping could have been angry," says Maria's mother. "But the only thing that mattered to them was that Maria was safe. I never ralized how much of a community we had until this happened."

The news media play an important role in the Indianapolis success story too. Television airs photos of missing children. Newspapers publish their pictures, and descriptions go out on the radio. At least one life may have been saved because of media publicity. Last July, a 14-year-old mother ran away with her three-month-old son, who suffered from a potentially fatal illness and needed daily injections. The IPD arranged for the girl's picture to be shown on TV. Soon she appeared with her baby at a local hospital. She had apparently seen the TV message and realized how serious her son's illness was.

Another reason for IPD success is its monthly bulletin with photos of missing youngsters. The IPD prints 500 copies for distribution to officers on the street and police departments in nearby communities. Bulletins are posted in arcades, fast-food restaurants and other places where runaways might go.

"It costs us about $60 a month, and we feel we're getting excellent results," says Capt. Lawrence Turner, until recently head of the IPD's Juvenile Branch. "About 70 percent of the missing youngsters pictured are located before the next bulletin is published."

Another valuable (but underutilized nationally) tool is the FBI's National Crime Information Center (NCIC) computer. Since President Reagan signed the Missing Children Act in October 1982, parents have had the right to ask the FBI to enter information about missing children into this computer system, if the police have not already done so. Then it's available to law-enforcement agencies all over the country.

In August 1983, two girls, ages 12 and 14, and a 16-year-old boy were reported as runaways from Indianapolis. Suspecting they had left the city together, St. John entered their names and descriptions into the NCIC computer.

A few days later police spotted three youths hitchhiking in London, Ky., and took them in for questioning. Their names were fed into the NCIC computer. The three were identified as the runaways from Indianapolis and were returned home safely.

The IPD unit has fostered cooperative efforts in surrounding Marion County. In September 1982 Captain Turner instituted the Inter-Agency Missing Juveniles Program, linking the IPD, the Marion County Sheriff's Department, the Indiana State Police and local police departments in nearby Lawrence, Speedway and Beech Grove. "Before this program," explains St. John, "one jurisdiction might not have given high priority to a missing youngster from another jurisdiction. Now they do."

"Our children are our future, the most precious commodity we have," sums up Captain Turner. "We're proud of our record in Indianapolis, proud that we find our missing kids. But I believe that any city where people care and work together can do the same."

HOW TO PROTECT YOUR CHILD

Experts say it is far easier to prevent a child from being taken than to find missing youngsters. Their advice to parents:

1. Teach your child your phone number, including area code, and your full address.

2. Keep up-to-date photographs of your child on hand.

3. Make a mental note of what your child is wearing every day.

4. Be sure your child knows what to do should you become separated from him or her.

5. Obtain dental records of your child as early as possible; keep them up-to-date.

6. Have a set of your child's fingerprints taken by the police or other professionals and keep it at home.

7. Make sure your school will phone you if your child is absent.

For information on what you can do to help solve the missing-children problem at the national level, call 1-800-KID-FIND, or write: Find the Children, 11811 W. Olympic Blvd., Los Angeles, Calif. 90064.●

LATIN AMERICAN DEBT CRISIS

● Mr. KENNEDY. Mr. President, leaders of four major Latin American governments recently issued a somber warning. In a joint statement on May 19 regarding the foreign debt crisis, the presidents of Argentina, Brazil, Colombia, and Mexico declared their "concern that the hope for the development of our peoples, the progress of democratic tendencies in the region and the economic security of our continent are being seriously undermined by facts that are foreign to our countries and beyond the control of our governments."

This declaration coincided with the issuance of the Inter-American Dialogue's second report. In that report, a group of 50 business, labor, government, academic, political, and church leaders from the hemisphere conclude that "no single year in the last 50 was more disastrous for the economies of Latin America and the Caribbean than 1983. Since 1981, the gross product of Latin America as a whole has fallen by about 6 percent. Per capita incomes have declined some 13 percent since 1980, and are now back to what they were in 1976. The external debt of Latin America soared from $27 billion in 1970 to more than $350 billion by the end of 1983."

The leaders of Latin America recognize the dimensions of this crisis. In their declaration they announced a prompt meeting of Foreign and Finance Ministers from their countries to which other Latin American governments would be invited. They proposed "adoption of concrete measures to reach substantial transformations in international financial and commercial policies that will widen the possibilities of access of our products to the markets of the developed countries, that will mean substantial and effective relief of the debt burden and will assure renewal of development financing."

Resolving this crisis requires the cooperation of all members of the international community. I hope the United States will play a full and creative role. As we develop our response, we must bear in mind that the future of democracy in the region, which has been enhanced over the past several years, is in the balance.

I ask that the full text of the President's May 19 statement be printed in the RECORD.

The statement follows:

JOINT PRESIDENTIAL STATEMENT CALLING TO A MEETING OF LATIN AMERICAN FOREIGN MINISTERS AND FINANCIAL AUTHORITIES TO DISCUSS THE INTERNATIONAL DEBT CRISIS

We, the Presidents of Argentina, Brazil, Colombia and Mexico: Raúl Alfonsín, Joao Figueiredo, Belisario Betancur and Miguel de la Madrid, express our concern that the hope for the development of our peoples, the progress of the democratic tendencies of the region and the economic security of our

continent are being seriously undermined by facts that are foreign to our countries and beyond the control of our governments.

We have confirmed that the successive increases of interest rates, the perspective that there will be new increases and the proliferation and intensity of protectionist measures have created a sombre scenario for our nations and for the region as a whole.

Our countries cannot accept these risks indefinitely. We have asserted our firm determination of overcoming imbalances and to restore the conditions that will renew or strengthen economic growth and the process of improving the living standards of our peoples.

We have been the first to demonstrate our efforts to fulfill our obligations in terms that are compatible with the interests of the international community. We do not accept being pushed into a situation of forced insolvency and continuous economic stagnation.

We consider indispensable that without further delay the international community, especially in the inter-related sectors of commerce and international finance, should begin a concerted effort to agree to actions and measures of cooperation that will permit the resolution of these problems.

Therefore we, the Presidents of Argentina, Brazil, Colombia and Mexico, propose the adoption of concrete measures to reach substantial transformations in international financial and commercial policies that will widen the possibilities of access of our products to the markets of the developed countries, that will mean substantial and effective relief of the debt burden and will assure the renewal of development financing. Especially needed are adequate amortization and grace periods, reductions of interest rates, spreads, commissions and other financial charges.

For the above reasons we convoke a meeting of Foreign Ministers and Ministers responsible for the financial affairs of our countries, to take place as soon as possible, in order to define the most adequate initiatives and methods to reach satisfactory solutions for all involved countries; we will also invite to this meeting the Ministers of other Latin American governments.

Buenos Aires, Brazilia,
Bogotá, Mexico D.F.,
May 19, 1984.●

ARIZONA LEGISLATURE MEMORIALS

● Mr. GOLDWATER. Mr. President, it is my pleasure to present to the Senate today four memorials adopted by the Arizona State Legislature recently. First, I submit for the RECORD House Concurrent Memorial 2002 urging the use of copper canisters for the disposal of nuclear waste. Second, I offer Senate Concurrent Memorial 1001 recommending restrictions of travel by Soviet diplomats in Phoenix, Tucson, and Yuma, Ariz., from which they had been previously barred. Third, I have received and submit for the RECORD House Concurrent Memorial 2001 supporting Government efforts to halt persecution of members of the Baha'is religion in Iran. And, finally, I am delighted to present Senate Concurrent Resolution 1008 which calls on Congress to approve the line item veto constitutional amendment. I am a cosponsor of exactly that proposal Senate Joint Resolution 178.

Mr. President, I ask that the full text of the memorials be printed in the RECORD.

The memorials follow:

SENATE CONCURRENT MEMORIAL 1001

Whereas, the United States Department of State recently amended diplomatic travel restrictions so that Soviet diplomatic personnel in the United States now have access to Phoenix, Tucson and Yuma from which they had previously been barred; and

Whereas, the director of the Federal Bureau of Investigation, William Webster, was quoted in the Washington D.C. "Times" of April 25, 1983 as saying "there are about three thousand Soviet bloc diplomats in the United States and thirty to forty percent pursue U.S. secrets especially military information and laser and computer technology."; and

Whereas, in addition to important military bases in this state there are according to the Arizona International Trade Directory a large number of firms located in this state whose operations make them prime targets for Soviet technology espionage.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, Prays:

1. That the Secretary of State of the United States and every Member of the Congressional Delegation from this state support the restriction of travel by Soviet bloc diplomats in this state.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the Secretary of State of the United States and to each Member of the Congressional Delegation from this state.

HOUSE CONCURRENT MEMORIAL 2002

Whereas, by enactment of the Nuclear Waste Policy Act of 1982 (Public Law 97-425), the Congress charged the United States Department of Energy with the responsibility for development of a disposal program for nuclear waste materials resulting from commercial operations; and

Whereas, the Department of Energy is presently conducting a study to determine whether such nuclear wastes can be safely disposed of by deep burial in certain types of geologic formations; and

Whereas, the department's current study involves the proposed use of metal canisters for such waste burial; and

Whereas, both copper and various types of steel alloys are under consideraiton as the metal to be used for such canisters; and

Whereas, the longevity of a copper canister is far greater than that of steel or other ferrous metals since copper does not oxidize or corrode as rapidly in various types of rock formations; and

Whereas, the government of Sweden selected copper as the metal to be used in canisters for its nuclear waste burial system and the technology developed by that program includes an estimate that copper will provide more than one million years of containment in a granite rock formation, as opposed to a longevity for steel of only several hundred years; and

Whereas, the use of copper canisters in any type of underground burial system for nuclear wastes would provide a superior containment method and thereby be of greater benefit to the future public health and safety of the nation; and

Whereas, it has been estimated that the use of copper as the material for such canisters would require as much as two million tons of copper; and

Whereas, copper presently is a surplus commodity on the world market, and selection of it as the material to be used for nuclear waste containment and purchase of the necessary copper from domestic producers would stimulate the market and thereby enable copper producers in Arizona and other states to resume operations on a full capacity basis, with subsequent economic benefits to the people of Arizona and those other states where copper mining is an important factor.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, Prays:

1. That the Congress of the United States direct the Department of Energy to fully investigate the feasibility of utilizing copper canisters for the burial of nuclear wastes and to use copper as the material for such canisters if the department's study confirms that copper canisters would provide greater periods of waste containment than canisters fabricated from steel or other ferrous metals.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United Staters Senate, the Speaker of the House of Representatives of the United States and to each Member of the Arizona Congressional Delegation.

HOUSE CONCURRENT MEMORIAL 2001

Whereas the persecution of the three hundred thousand members of the Baha'i religious community in Iran has received worldwide attention and

Whereas the entire civilized world was shocked by the news from Iran of the June 1983 summary executions of six men and ten women, including three teenage girls, without publicly announced charges or public trial, for no other reason than their adherence to their faith; and

Whereas since the 1979 revolution in Iran more than one hundred fifty members of the Baha'i community of Iran have been slain for their refusal to recant their faith; and

Whereas reports of attempted forced conversions of Baha'is to Islam and wholesale deliberate starvation of Baha'i communities in Iran, along with confiscations of property, ban accounts and pensions, and the explusion of all students of Baha'i parentage from all schools in Iran, have been made public; and

Whereas the actions against the Baha'is by the present Iranian government violate all norms of civilized behavior, internationally promulgated declarations of human rights, and indeed, violate the very principles of Islam itself; and

Whereas the actions against the Baha'is by the present Iranian government violate all norms of civilized behavior, internationally promulgated declarations of human rights, and indeed, violate the very principles of Islam itself; and

Whereas the actions of the Iranian government appear to all fair-minded observers to be a barbaric and genocidal attempt to eradicate the Baha'i Faith in the land of its birth.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, Prays:

1. That the Congress of the United States continue its support for efforts at the national and international levels, to halt the persecution of the Baha'i minority in Iran.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States, each member of the Arizona Congressional Delegation, and to the Baha'i International Community and the Spiritual Assembly of the Baha'is of Phoenix, Arizona.

SENATE CONCURRENT RESOLUTION 1008

Whereas the people of the State of Arizona view with growing concern the passage of extravagant legislation by Congress and the inability of the President to separate such legislation from an otherwise worthwhile bill. Therefore

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring, That:

1. The Legislature of this state applies to the Congress of the United States to call a convention for the sole and exclusive purpose of deliberating, drafting and proposing an amendment to the Constitution of the United States to authorize the President of the United States to disapprove and veto any appropriation or provision of an appropriation bill while approving the remainder of the bill, which amendment, pursuant to Article V of the United States Constitution, would then have to be ratified by three-fourths of the states to take effect.

2. This application constitutes a continuing application for a convention pursuant to Article V of the Constitution of the United States until the Legislatures of two-thirds of the states have made like applications and the convention has been called by the Congress of the United States.

3. The Secretary of State of the State of Arizona is requested to transmit certified copies of the Concurrent Resolution to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each Member of the Arizona Congressional Delegation and to the Administrator of General Services, Washington, D.C.●

HON. TERRENCE WILLIAM BOYLE

● Mr. EAST. Mr. President, I recently had the honor of attending and participating in the induction ceremony of Hon. Terrence William Boyle as U.S. district judge for the Eastern District of North Carolina.

My colleague, Senator HELMS, introduced Judge Boyle, and presented him for his commission at a ceremony in the Federal courthouse in Elizabeth City, N.C., on May 29, 1984. I was impressed by Senator HELMS' remarks, and I would like to share them with my colleagues.

Accordingly, Mr. President, I request that a copy of Senator HELMS statement by printed in the RECORD at the conclusion of my remarks.

The statement follows:

REMARKS BY HON. JESSE HELMS AT THE INDUCTION CEREMONY OF TERRENCE WILLIAM BOYLE

If it pleases this honorable court, let me first express my gratitude for the honor of being here today.

I am proud of your achievements, and as is my inclination, I did some research prior to preparing my remarks for this occasion. I wanted to confirm my high impression of you in terms of the remarkable job you have been doing.

There are 94 federal court districts in the United States. I found it impressive, for example, that the ranking of this court is very high in terms of your hard work and efficiency.

For example:

Of the 94 U.S. federal district courts, this court has the second-lowest backlog for civil cases three years old or older. Your percentage of such cases is one half of one percent, which is remarkable.

You are sixth in the country in time required to move a civil case to trial. You are 29th in disposition of criminal cases. So the administration of justice in the Eastern District of North Carolina is prompt and efficient, and I commend you for it.

However, the judges in this Eastern District of North Carolina have been working under a handicap—one that we are remedying substantially today. The favorable statistics I have just recited bring up the subject of the caseload of each judge. That is really the measurement of how efficient you are and how hard you are working.

The judges of this court carry a substantial caseload when compared to judges in other districts around the country. Your caseload of 377 cases per judge is 72d in the country, meaning that you have the 23d highest caseload. Yet you rank 49th in termination of cases—466 per judge. So you are making fine progress. With an additional judge you should become one of the top—if not the top—federal districts in the country.

Judge Dupree, you have just stepped down as Chief Judge. The fine record has been built upon your leadership and diligence, and that of Judges Larkins, Britt, and Fox. I commend you all.

The Eastern District of North Carolina not only has excellent judges, it also has one of the finest U.S. Attorney's offices in the nation.

I appreciate the court's indulgence for these remarks. I wanted to recognize the achievements of this court, and I wish to impress upon its newest member the quality of the distinguished judicial company he will be keeping—and the challenges ahead for him.

It is my honor and a privilege to present the Honorable Terrence William Boyle, whom the President of the United States has nominated and the United States Senate has unanimously confirmed to serve as United States Judge for the Eastern District of North Carolina.

I will always have a special affection for Terry. He was a member of my Senate staff in 1973. I have first-hand knowledge of his competence, dedication, and character. I was a direct beneficiary of his exceptional legal skills, and most importantly, his high moral character and uncompromising integrity.

I have followed Terry's career since he left my staff. I am convinced that he is the type of person—in terms of his professional credentials and his high personal character—splendidly suited to sit on the federal bench.

With the Court's leave, let me speak to Terry Boyle as his friend:

Today as you embark on a new and challenging career, I wish you the best. I am confident that you will remain ever mindful of the constitutional limits on your powers as a federal judge. During the past two or three decades, some members of the federal judiciary, unfortunately, have overreached their bounds. Be prudent with your powers and exercise them wisely.

You are young. Your future is bright. I am convinced that you understand the proper role of the federal judiciary in our tripartite system of government, and that you are committed to the cause of freedom and personal dignity and justice for all Americans.

With these principles to guide you, then, best of luck on your new career.

Your Honor, I genuinely appreciate the opportunity to be with you today and to have a part in this fine occasion.●

SENATOR PELL RECEIVES PLATO AWARD

● Mr. SARBANES. Mr. President, on May 6, 1984, the Maud Howe Elliott Chapter of AHEPA in Newport, R.I., held an auspicious meeting at which its annual Plato award was presented to Senator CLAIBORNE PELL, our distinguished colleague, senior Senator from Rhode Island and ranking Democratic member of the Senate Foreign Relations Committee. At the same time the chapter announced the establishment of a scholarship fund for young Rhode Islanders of Greek-American heritage.

The coincidence of the two announcements could not have been a happier one. Throughout his years of public service, Senator PELL has been a thoughtful and effective spokesman for the democratic values which the peoples of the United States and Greece have shared through many generations. As a member of the Senate Foreign Relations Committee, he has, over the past decade, been a leader in the effort to insure a just solution to the continuing tragedy on Cyprus, a tragedy further, gratuitously complicated by the Turkish Cypriot unilateral declaration of independence in November 1983. As a member of the Senate Labor and Human Resources Committee and its Subcommittee on Education, Arts and Humanities, he has worked tirelessly to improve the quality of education in our country, and to insure that young Americans will indeed have access to the opportunities for higher education which they deserve.

Mr. President, Senator PELL's remarks upon receiving the Plato award are an eloquent expression of his commitment to democratic values, United States-Greek understanding and education. I ask that they be printed in the RECORD.

The remarks follow:

REMARKS BY SENATOR PELL UPON RECEIVING THE PLATO AWARD FROM THE MAUD HOWE ELLIOTT CHAPTER OF AHEPA

Ladies and gentleman, I am very happy to be awarded this year's Plato award. Previously I was honored by the national organization of AHEPA, which generously bestowed upon me the Socratic award. But I must confess that I take even more personal pleasure in this honor from our own Maud Howe Elliott Chapter, in which I am a proud, dues-paying member. May I add that I also still vividly recall the remarkable and scholarly Mrs. Maud Howe Elliott, which makes this award even more meaningful for me. Life offers no greater reward than the esteem of one's friends and colleagues.

Having thrice read Plato's Republic, I have often reflected upon the relationship between philosophy and politics. Both are essential pursuits in a civilized society. Philosophy, which Plato described as "the highest music," involves the search for meaning in our existence and for principles which should govern our relationships. Politics involves the practical process of reconciling competing interests in society through the application of those principles that philosophy has enshrined. When this interaction fulfills its highest potential—and it was in ancient Greece that man first attained such harmony—society is enhanced and even ennobled, and the concept of justice is given worldly form.

In the founding of America, we were blessed by the presence of men, such as Jefferson, who were giants in both philosophy and politics. But few men or women achieve excellence in both domains. Plato himself chose a career confined solely to professorial pursuits. Perhaps he was influenced by the fate of his teacher Socrates, who had not fared well after crossing over the threshold into activities deemed political. Perhaps it was simply the fact the politics necessarily involves a descent from the high peaks of lofty reflection into the mundane world of flawed people and messy problems. Writing about himself, Plato reported as follows: "At first I eagerly strived for a public career; but at last I got dizzy when I noticed the maze of public life and its incessant metamorphoses." By the latter, Plato presumably meant the turbulent swirl produced by issues which constantly change and public opinion which constantly flutuates.

Reviewing some of Plato's views on people and society caused me to consider how he might have fared as a politician in today's world. With regard to women, he had this to say: A woman's virtue may be easily described: her virtue is to order her house, and keep what is indoors, and obey her husband." And as if this were not enough, Plato had a follow up. "In most places," he wrote, "women will not endure to have the truth spoken without raising an outcry." But, trying to be even-handed, Plato also had this thought about how a just society should treat bachelors: "He who does not marry, when he has arrived at the age of 35, shall pay a yearly fine of a certain amount, in order that his bachelorhood may not be a source of ease and profit to him."

With this combination of views on women and bachelors, Plato would today have a pretty narrow political base—that of the married male chauvinists, which would not win an election anywhere from Washington down to our own Newport Fifth Ward.

I do not, of course, wish to make light of Plato. As all of us are, Plato was a man of his time. But—and this is the vital standard by which to judge—his legacy is immense. In his writings, he bequeathed a profound and provocative body of thought, which has stimulated the thinking of men and women for over two thousand years. And, by founding the Academy in Athens, which was the first organized higher education in recorded history, he established the process—represented in the modern university—by which men and women could accumulate knowledge and convey it to succeeding generations. The American writer, Henry Adams, once criticized philosophers as providing only "unintelligible answers to insoluble problems." But Plato gave us much more. Indeed, as we look back over the evolution of society since Plato's time, we find that his influence is almost beyond measure.

I am pleased to note that, in the spirit of Plato, the Maud Howe Elliot Chapter is tonight announcing the establishment of a scholarship fund. Given the origins and ideals of our organization, this is an eminently appropriate and worthy act. In my own political career, little gives me a greater sense of lasting accomplishment than the continuing, Congressionally-approved program of educational support now known as Pell Grants, a term I did not invent but in which I confess to taking considerable pride.

As we reflect this evening on the Greek-American heritage and Greek-American bonds, we cannot avoid thoughts of Cyprus. For the past decade, that ill-starred island has been the scene of tragedy and the source of deep divisions extending far beyond its own shores—divisions which threaten to weaken the Greek-American relationship our organization is dedicated to uphold and enhance. I for one have never subscribed to the interpretation that places all blame upon the United States for not preventing the Turkish invasion of 1974. But I have held ardently to the belief that, whatever its role in the origin of the Cyprus problem, the United States bears heavy responsibilities in the search for a solution. American weapons were used in the invasion and occupation of a free and independent nation. And we have unfortunately continued, notwithstanding a temporary and partial embargo, in supplying still more weaponry to the aggressor nation.

Regrettably, American Presidents over the past decade have regularly succumbed to the short-sighted view that the Cyprus issue must be subordinated to the interests of NATO defense. My own view has been that the very foundation of NATO is undermined if we fail first to uphold the principles of free self-determination which the Atlantic Alliance exists to defend. Unless we keep our priorities straight, our Alliance becomes no more than a house of cards. Presidents, of course, instinctively struggle against the inconvenience of such Congressional meddling; they naturally prefer passive cooperation and fulsome praise. But in dealing with Presidents on this issue, I have been inclined to echo Plato, who once said, "You will see how ready I am to praise when you talk sense."

In this regard, the most recent development was President Reagan's May 8th proposal envisaging the creation of a $250 million Cyprus Fund, to be appropriated by Congress and dispensed sometime in the future in the implementation of a negotiated settlement. As much as I would like to praise this initiative as a positive contribution, I fear that it represents a serious misconception of the problem and is in fact a rather feeble gesture. It is fine to offer a carrot for progress, but the unfortunate fact is that we probably need more of the stick.

In 1978, Congress lifted the embargo against Turkey, responding to Administration arguments that this would induce Turkish cooperation. Instead, what ensued was a sustained period of intransigence, as Turkey and Turkish Cypriots pursued their plans for partition. Last November, this process culminated in the announcement of a separate Turkish Cypriot state, which was immediately recognized by—and later exchanged so-called ambassadors with—the government in Ankara. This, in my judgment, was an outrage, to which a majority on the Sente Foreign Relations Committee responded by voting to prohibit further grant military aid to Turkey—unless the Turkish Government signals a significant policy reversal by returning the city of Famagusta to the Cyprus Government.

In all candor, I am not optimistic that Ankara will respond with a wiser and more decent policy. But I am also not afraid of carrying this issue to confrontation if necessary. It is Turkey—not Cyprus, not the United States, not Greece—which is in violation of international law. And no American interest of any kind should be invoked to justify turning a blind eye to that country's blatant aggression in partitioning a sovereign, neighboring republic. Without any clear idea of where the chips on this issue may fall, I can only pledge to you that I shall continue to do my part.

In closing, ladies and gentlemen, I wish to return to a brighter note, by sharing with you a passage from one of the essays of Thomas Babington Macaulay, the distinguished British historian and statesman about whom I wrote my thesis at college. He wrote beautifully about the legacy and meaning of Greece and said:

"This is the gift of Athens to man . . . her intellectual empire is imperishable. And when those who have rivalled her greatness shall have shared her fate; . . . when the sceptre shall have passed away from [our own country]; when, perhaps travellers from distant regions shall in vain labour to decipher on some mouldering pedestal the name of our proudest chief; shall hear savage hymns chanted to some misshapen idol over the ruined dome of our proudest temple; . . . the influence and glory of Athens will still survive, fresh in eternal youth, exempt from mutability and decay, immortal as the intellectual principle from which they derived their origin, and over which they [shall continue to] exercise their control."

This, I think, is the feeling we here tonight share about our Greek heritage. That meaning suffuses the Plato award you have kindly presented to me, and I thank you warmly for it.●

50TH ANNIVERSARY OF THE SCREEN ACTORS GUILD

● Mr. D'AMATO. Mr. President, I rise today to commemorate the 50th anniversary of the Screen Actors Guild: I am pleased, therefore, to add my name as a cosponsor of Senate Joint Resolution 389, which designates June 30, 1984, as Screen Actors Guild Day.

Despite what many of us laymen may believe, the production of entertainment through visual media is not all fun and games. In fact, the moments of joy and pleasure this country's screen actors have given us have

involved the dedicated, behind-the-scenes hard work of countless performers and technicians. For these labors, our screen actors deserve just compensation.

The Screen Actors Guild has worked hard for 50 years to assure that the rights of its 54,000 members are protected. This, in turn, has allowed for the improvement of our quality of life through the production of quality movies and television programs.

Throughout its existence, the guild's mandate has been effectively promoted by an exceptional cast of leaders, including such notables as Eddie Cantor, Eddie Arnold, James Cagney, former Senator George Murphy, Walter Pidgeon, and Charlton Heston, to mention just a few. The guild's best known leader went on to become the President of an even larger "Union"—that is, the United States of America. I am speaking, of course, of President Ronald Reagan, who has done a superb job of running the best show in town.

Thus, I am delighted to join as a cosponsor of Senate Joint Resolution 389, which will appropriately commemorate the unique contributions the Screen Actors Guild and its members have made to our culture and to our heritage.●

BILL NOURSE: TENNESSEE'S SMALL BUSINESS ADVOCATE

● Mr. SASSER. Mr. President, I would like to call to the attention of my colleagues once again the activities of Bill Nourse, a small business person from Nashville, Tenn. Those of my colleagues who know Bill will agree with me that he illustrates the tremendous impact one individual can have if they choose to become actively involved in our political process. Bill has played a central role in helping shape small business legislative policy on both the State and National level. And he has taken the time to travel throughout the country to speak to other small business persons to spread this gospel of political activism.

I have had the good fortune to know Bill as more than an advocate for small business. He is a trusted adviser on many issues of importance. I value his counsel and am thankful for his imput. Bill also serves on the Senate Small Business Committee's National Advisory Board and has been active in the U.S. Chamber of Commerce's Small Business Council. Clearly, many of us here in Washington are benefiting from Bill Nourse's breadth of knowledge about small business policy.

Bill has focused his attention this year on several pressing matters. Topping his list is securing a promise from President Reagan that the next appointment to the Federal Reserve Board will be someone with firsthand experience in small business. Securing small business representation on the Fed Board is a goal I have actively pursued during my tenure in the Senate and I applaud Bill's tenacity on this issue.

Other objects of Bill's crusading efforts include revisions to our Tax Code that are beneficial to small firms. As most of my colleagues know, our present tax system contains numerous benefits and rewards for large companies. There are very few tax incentives for small, labor intensive enterprises. This is a topic Bill and I have worked on successfully in the past and I look forward to pressing ahead in this area with Bill's assistance.

My colleagues would do well to read more about the work of Bill Nourse. I ask that articles about Bill Nourse which recently appeared in Inc. magazine and the Arkansas Gazette be printed in the RECORD at this point.

The articles follow:

BILL NOURSE OF BROOKEMEADE HARDWARE & SUPPLY: THE NUTS AND BOLTS OF POLITICS

(By Tom Richman)

Either Ronald Reagan promises to make his next appointment to the Federal Reserve Board someone with firsthand experience in small business, "or, we'll raise some money and raise some hell," Bill Nourse promises. "Maybe we'll do what we did for direct expensing."

Nourse doesn't make empty threats. Direct expensing of small capital expenditures became part of the 1981 tax bill, despite Administration objections, in large part because he worked to get it there. The state of Tennessee has a new and permanent small business office and tightened unemployment compensation laws, again, in part, thanks to Nourse.

"I never thought a man who ran a hardware store could have so much influence on so many issues as I have," Nourse admits. "I wasn't satisfied being a small businessman. I wasn't contributing to society at my highest potential. But now I'm plugged in to the power structure."

The transformation of Bill Nourse—and hundreds, if not thousands, like him—began with the planning for the White House Conference on Small Business in January 1980. Back then, Nourse was a middle-age father of five, happy to tend his growing West Nashville, Tenn., hardware store. He wasn't well connected, especially articulate, particularly gregarious, or exceptionally well-to-do. Nor was he a public person, limiting his political involvement to a trip to the voting booth on election day. Being a father and a businessman kept him busy enough.

But something happened during a meeting Nourse attended in Nashville in 1979. "I got the strong conviction that we were letting incentive die out in our system," he recalls," I felt a strong urge to speak out."

That meeting was just one of dozens held across the country in preparation for the January White House conference. And Nourse was just one of more than 30,000 people, most of whom ran their own small business, to attend one or more of those preliminary sessions. But Nourse was hooked. He had never run for office, but he got himself elected as one of 2,000 delegates to the four-day conference at the Washington Hilton. He had no technical knowledge of tax law, but he worked the phone talking to experts and made tax reform one of his conference projects. And he became an activist. If no one else would call a meeting, organize a project, or stand up to cajole, Nourse would.

"None of us who now refer to ourselves as small business activists knew one another back then," Nourse remembers. "It all started at the conference. I've often said that the government doesn't quite understand what it unleashed with that meeting. It created a vehicle for a whole new class of people to move into the political process. The real results are still years off."

Whatever else the conference accomplished, it clearly unleashed a potent force for change when it unleashed Bill Nourse. Back home in Tennessee, he pestered G.O.P Governor Lamar Alexander for 18 months to convene a state small business conference—then became its chief organizer. He went on to become an adviser to Democratic Senator Jim Sasser, stumping for Sasser's successful reelection bid at small business gatherings across the state.

But Nourse's influence extended far beyond his home state. The U.S. Chamber of Commerce asked him to join its Small Business Council. He joined the advisory board to the Senate Small Business Committee as well, and worked for Senate passage of a resolution urging the President to make the next appointee to the Federal Reserve Board someone with experience in small business. He created a political action committee to direct money at congressional candidates friendly to the small business cause. He even set up his own "kitchen cabinet"—a lawyer, an accountant, a public relations specialist, and other businesspeople in Tennessee and in Washington with whom he plots strategy and tactics.

"There's no other system on earth that'll let a guy with only two or three employees affect it," Nourse marvels. "If that's not a system that's working, I don't know what is."

Nourse is not alone, however; instead he is emblematic of a new breed of political mover and shaker. Like the small business community from which they come, these new, politically active entrepreneurs are a diverse group, committed to the cause of small business rather than any partisan line, and frequently and enthusiastically disagreeing with one another on specific issues. For example, Nourse and Morris Womack, president of All-Seals Texas Inc. in Houston and another graduate of the White House conference, have clashed over the jobs tax credit during meetings of the Senate Small Business Committee's advisory panel. Womack is an avowed Republican. Nourse has drifted into the Democratic Party. "I don't think there's any fertile ground in the G.O.P. for small business," Nourse argues. "I think the Republicans are married to Wall Street." On the other hand, he's disgusted with the Democratic party leadership for changing the party's Small Business Council from a policy forum into a fund-raising vehicle.

Nourse and Womack agree easily on one point, however, which is that whatever their political leanings, just have more people from small business participating in internal party debates, legislative lobbying—the whole spectrum of political activities—has got to be an improvement over the days not long past when "business's" position on an issue really reflected the opinions of a few influential, mostly big, businessmen. Bill Nourse has proved that a small businessperson—if he can combine vision, determina-

tion, and drive—can speak loudly on policy issues.

Four years after the White House conference, however, some of his enthusiastic excitement has been replaced by a recognition of the challenges any small business advocate faces. Nourse has shed some of his idealistic—if not naive—assumptions about the ease of shifting the course of the ship of state. "In that sense I've grown up," he says, "or maybe I'm still growing up." Change comes slowly, and there is still a business to run. Sales at Nourse's Brookmeade Hardware & Supply Co. fell short of the $1 million he projected for last year and he is in the process of selling the retail end of the business. He wants to concentrate on expanding his wholesale distribution of apartment building janitorial and maintenance supplies, not only in Nashville but throughout the Southeast.

But what Bill Nourse calls "the movement" still absorbs him, even if he can't spend as much time with it as he has in the past. "I travel within circles of influence now in the [Democratic] party," he says, and that is a role he is unlikely to give up. He keeps his business simple so that it will be easy to sell, and he dreams of the future. Maybe Nourse himself will run for Congress. Or maybe his role will be just to keep other people stirred up. "There are all those people out there and nobody is energizing them. I just haven't found the vehicle yet."

"The Democrats will lose this year," he predicts "and then the rebuilding of the party will begin in earnest. I want to be part of that."

POLITICAL OPPORTUNITY SEEN FOR SMALL BUSINESS OWNERS

(By Scott Van Laningham)

The small business community can become a political force to be reckoned with and should seize the opportunity to move into the political vacuum in the Democratic Party created by the decline of organized labor, Bill Nourse, a small businessman from Tennessee, suggested Friday.

Nourse, president of Brookemeade Hardware and Supply Company in Nashville, Tenn., and a member of the United States Senate advisory commission on small businesses, also asserted that there's "no future in the Republican Party" for small businessmen, adding that the Reagan administration's "view of business is big business."

Nourse is in Little Rock this weekend for a conference on "Swords to Plowshares in Arkansas" sponsored by the Arkansas Peace Center and others.

OPTIMISTIC DESPITE PROBLEMS

Despite a record rate of bankruptcies among small businesses in the last two years, Nourse said, the future is bright for small businesses, "but we do have some problems to solve in the short run."

Small businessmen come from all backgrounds, ethnic origins, religions, races and sexes, he said. And for the first time small businessmen are coming together to address their common problems, he said.

Small businessmen, however, haven't yet "recognized the awesome political power we could have," he said. For example, he said that with the decline of the influence of organzied labor in the Democratic Party, "a political vacuum has been created and we ought to move in and seize this opportunity."

WANTS SEAT ON FED

The first item on Nourse's political agenda is the appointment of a small businessman to the Federal Reserve Board. Paul A. Volcker, Federal Reserve chairman, is the most powerful figure in government as far as the small businessman is concerned, he said. It is essential that small businesses have representation on the Federal Reserve Board of Directors, Nourse said.

High interest rates are causing the collapse of small businesses, and the huge federal budget deficits are pushing the interest rates up even higher, he continued. The Reagan administration's "piecemeal approach" to reducing the deficits is "simply not acceptable to small business," he added.

URGES BROAD APPROACH

Nourse called for a "broad-based approach" to reducing the budget deficits, suggesting a combination of tax increases and cuts in federal spending. The tax increase might include a national sales tax, he said. On spending cuts, he said, "The military could stand a fair cut, but entitlement programs must also be cut."

Nourse said that small businesses (those employing fewer than 20 persons) accounted nationally for 64 percent of the new jobs that were created last year. He said half of the estimated 8,000 businesses in Pulaski County employ four persons or less, and 84 percent employ 20 persons or less.

Small businessmen generally must pay an interest rate of two or three percentage points above the prime lending rate. So when the prime rate goes to 12 percent as it did Thursday, that "destroys the profitability" of many small businesses, he continued.

Nourse also said the Reagan administration "is trying systematically to put the federal Small Business Administration out of business." The administration has cut the SBA budget and is transferring SBA funding into "management assistance programs" that small businessmen won't use.

SEES "GREAT CONCENTRATION"

Noting recent mergers of large corporations and saying that "big banks are getting bigger and more powerful," Nourse said there is a "great economic concentration under way in this country right now" and the Democratic candidates for president ought to be focusing on it.

Small businesses historically have been the leaders in innovation and change, and small businessmen now need to focus their attention on the governmental process. "Government will listen and will respond, but you had better know what you're talking about," he said. He advised small businessmen to "do your homework" and then to focus their attention on their elected representatives.●

OLDER AMERICANS ACT

● Mr. BURDICK. Mr. President, I was very pleased to see the Senate approve the Older Americans Act 1984 Amendments just before the recess. The Older Americans Act is one of the most successful Federal programs I know of. The structure of social and support services it has provided have been invaluable. This has been especially true in the rural areas where so many of my State's elderly citizens live. Without the support structure provided by the Older Americans Act, many of these small, rural communities could not afford to organize or provide the kind of services needed by the rural elderly. Under the auspices of the act, North Dakota Aging Services has been able to encourage outreach into these smaller towns, coordinate services, and provide valuable organizational expertise to local senior citizen groups.

As a cosponsor of the 1984 amendments, I think we have developed a good bill. I am concerned about one provision, however. That is the one that places a statutory 12-percent cap on administrative costs for the Senior Community Service Employment program.

While I would hope that sponsors could operate within a 12-percent cap, I question the wisdom of making this a statutory requirement, for I am concerned that it could have a negative impact on smaller, minority contractors and on those that serve rural areas where administrative costs are often higher. Furthermore, during the past 3 years, title V sponsors have been asked to increase performance requirements, to increase unsubsidized placements, develop innovative projects to place older Americans in private sector jobs, and improve the distributions of positions within the States. These directives have been achieved while operating with the same average cost per enrollee for the past 3 years. Yet, operating costs attributable to inflation and other factors have continued to increase.

I urge the conferees on this bill to consider dropping this provision and keeping administrative cost caps as a matter to be regulated by the Department of Labor. This would permit a cap to be imposed through regulation, but would give the Department and the sponsors more flexibility to meet special needs and situations.●

RUTH DRIKER KROLL HONORED

● Mr. LEVIN. Mr. President, it began in 1974 with about 65 women wondering what would happen to their newly won gains when a recession began to be felt in Detroit. It continues today with about 300 women still concerned about their futures. It is the Detroit Women's Forum, founded by Ruth Driker Kroll, herself an example of melding personal interests as a feminist with a career, home, and family.

What Ruth Kroll built is a coalition of women who have something to offer each other and their community. It is a family of women who can share experiences and get support from their contacts with each other at monthly Forum meetings. It is an affiliation that serves as a valuable network—gathering and disseminating information on women's issues, forming personal and professional relationships, and often taking coalition action as individuals representing other groups.

Ruth Driker Kroll is a native Detroiter who attended Central High School, was graduated from Wayne University in 1949, and in 1980 earned a master's degree in counseling from Wayne State. Ruth Kroll, in her professional role as assistant director of the Michigan Chapter of the American Jewish Committee was the inspiration and drive behind the Detroit Women's Forum. The AJC through its continued sponsorship of the Detroit Women's Forum has supported its growth and development.

While the membership is drawn from diverse backgrounds, professions, and philosophies, Ruth Driker Kroll has been the unifier. She has bonded the Forum together with a feminist sense of purpose, values, and harmony.

It is with much pride and determination that the Detroit Women's Forum celebrates its 10th anniversary later this month. And it is with great joy that the Forum celebrates and pays tribute to their friend and founder Ruth Driker Kroll for all she has done, for all she has been, for all she has shared, and for blazing a trail so that so many could explore a path together.●

THE COST OF S. 1300

● Mr. HUDDLESTON. Mr. President, the Committee on Agriculture, Nutrition, and Forestry has completed extensive hearings on S. 1300, the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983, and has scheduled a markup of the legislation for June 7.

The provisions of S. 1300 have been the focus of much debate. However, the individuals and organizations interested in maintaining the rural electric and telephone programs all agree on one important point—the Rural Electrification and Telephone Revolving Fund, through which many rural utility systems receive their financing, is in serious financial trouble.

For example, Mr. Harold Hunter, Administrator of the Rural Electrification Administration, while expressing reservations about S. 1300, testified that he was pleased Congress and the trade associations have, and I quote: "heeded the alarms we have sounded over the past several years concerning the deteriorating financial condition of the Rural Electrification and Telephone Revolving Fund," end of quote.

Mr. Rudolph G. Penner, Director of the Congressional Budget Office, testified that without congressional action the revolving fund's financial problems will cause the REA loan programs to be shut down. In the absence of appropriations or legislation like S. 1300, Mr. Penner testified that the REA loan programs must be terminated within the next few years because the revolving fund will lack the assets to make new loans.

Mr. Anthony J. Gabriel, Deputy Inspector General of the Department of Agriculture, testified that the interest expenses of the revolving fund will exceed the interest income by the second half of fiscal year 1985 and that appropriations will be needed to cover the shortfall.

The potential high cost of maintaining the current REA program in future years is one of the strongest arguments in support of S. 1300. On June 4, in response to questions that were raised during the second hearing on S. 1300, the Congressional Budget Office provided an estimate of what it would cost to maintain the current REA electric and telephone programs through appropriations. CBO concluded that the cost would likely be $13 billion but could be as high as $17 billion. In contrast, CBO estimates that the cost of S. 1300—if amended to require that the fund be managed so that it will be balanced—will be $8.9 billion over 25 years.

S. 1300 addresses the financial problems of the revolving fund by increasing interest rates on loans and strengthening the capital base of the fund. These actions will make the fund permanently self-sustaining. Under S. 1300, the balancing of the REA revolving fund will be a joint effort with REA borrowers and, therefore, the 25 million consumers served by REA-financed utilities. CBO estimates that the contribution made by REA borrowers in the form of higher interest rates will exceed $4 billion.

In addition to cost, other questions have been raised about the REA electric and telephone loan programs and S. 1300. The chief sponsors of the legislation have written a letter to the Members of the Senate that addresses these questions.

I ask that the text of the letter be printed in the RECORD and that CBO's June 4 response to questions raised during the committee hearings also be printed in the RECORD.

The material follows:

COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, D.C., June 5, 1984.

DEAR COLLEAGUE: The Committee on Agriculture, Nutrition, and Forestry has scheduled a markup of S. 1300—the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983—for June 7. We are confident that the Committee will order the bill reported at that time, clearing the way for action by the Senate. There are serious and complex problems facing the rural electrification and telephone programs that, in the absence of legislation, will get progressively worse. Therefore, in our judgment, it is imperative that Congress complete its consideration of S. 1300 this year. For that reason, we urge you to support our efforts to have S. 1300 scheduled for floor consideration as soon as possible.

S. 1300 will amend the law governing the revolving fund operated by the Rural Electrification Administration of the Department of Agriculture. The bill is needed to prevent the REA revolving fund, which provides financing for rural utilities, from becoming insolvent. S. 1300 and a companion bill, H.R. 3050, were introduced in May of 1983. Forty-six Senators are sponsors of S. 1300, and the House of Representatives approved H.R. 3050 by a vote of 283 to 111 on March 1 of this year.

Although the legislation has received strong bipartisan support in the House and the Senate, opponents of the REA programs would have you believe that S. 1300 simply provides an unnecessary subsidy for rural America rather than an essential service. We are concerned that the serious and complex problems facing the rural electrification and telephone programs—problems that are addressed in the legislation—are being ignored by its opponents.

Further, rather than offering viable alternatives, some opponents have attacked the integrity of the individuals and organizations who have worked to develop a responsible solution to the problems facing the rural electrification and telephone programs. Among those criticized by opponents are three former administrators of REA who have dedicated their careers, under both Republican and Democratic administrations, to providing electric and telephone service in rural areas.

We want to set the record straight on several points.

CONVERSION OF DEBT TO EQUITY AND INCREASING INTEREST RATES

Under current law, beginning in 1993 and in each year through 2017, the REA revolving fund is scheduled to make transfer payments to the Department of the Treasury in amounts totaling $7.9 billion. This amount represents the value of assets that were transferred to the fund when it was created in 1973 for use in REA lending activities.

In 1973, when Congress established the rules pertaining to the operation of the REA revolving fund, no one anticipated that the cost of borrowing money would reach unprecedented high levels and remain at excessively high levels for years and years. The high interest rates that have plagued the national economy in recent years have so eroded the financial stability of the fund as to make the fund's payment schedule to the Treasury unrealistic in view of the expected need for REA loans.

Unless Congress acts, the effect of the drain on the capital base of the REA revolving fund will be to require either a substantial reduction—perhaps even a suspension—of new REA lending, or a sharp increase in interest rates on REA loans that would adversely affect utility rates and needed investment or, most likely, both. It must be emphasized that skyrocketing interest rates, not the management of the revolving fund, adversely affected the fund's viability.

S. 1300 resolves the problem by converting the $7.9 billion from an accounts payable liability beginning in 1993 to a Government equity, similar to the way that convertible bonds are converted to stock. The Federal Government will continue to maintain full control of its investment in the REA revolving fund at all times and Congress could at any time liquidate the Federal Government's investment.

S. 1300 also eliminates the fixed 2 and 5 percent rates of interest for loans made from the revolving fund and provides a formula that will allow the fund to vary its rate of interest on future loans to reflect more accurately the fluctuations of market

interest rates. The Congressional Budget Office analysis indicates that the interest rates charged for loans under S. 1300 will eventually increase so as to equal the Treasury's cost of borrowing.

S. 1300—by strengthening the capital base of the REA revolving fund and providing for flexibility in setting interest rates—will make the fund permanently self-sustaining.

COST OF S. 1300

In terms of cost, the official Congressional Budget Office estimate states that S. 1300, as introduced, will increase budget outlays by $10.4 billion over 25 years. We believe that the real cost of S. 1300 is much lower. S. 1300 will, in fact, reduce Government costs because if S. 1300 is not enacted—and the REA programs are to continue operating as they do today—Congress will have to appropriate funds to meet the need for REA loans. CBO estimates that such appropriations would at least equal, and likely exceed, CBO's estimated cost of S. 1300.

Further, CBO estimates that the cost of S. 1300 will be reduced by at last $1.5 billion if the bill is revised to clarify the requirement in the bill that the revolving fund be managed in such a way that it will be balanced. The companion bill passed by the House of Representatives, H.R. 3050, incorporates such a clarification—known as the Stenholm amendment—and we intend to support a similar modification to S. 1300.

CONTRIBUTION OF BORROWERS

Much of the discussion about S. 1300 has focused on the cost of the Federal Government's contribution to making the revolving fund self-sufficient. However, it should be noted that, under S. 1300, the balancing of the fund will be a joint effort with REA borrowers and, therefore, the 25 million consumers served by REA-financed utilities. Under S. 1300, CBO estimates that REA borrowers will make additional payments of $4 billion to the fund as a result of the higher interest rates that will be charged on loans made through the fund.

Put in another perspective, the debate about the costs involved in stabilizing the REA revolving fund is not a debate about "losses to the Government", but a debate on whether the REA programs should be continued. We support strong and continuing REA programs, and believe that S. 1300 will attain that goal in the most cost-effective and responsible way possible.

DENSITY OF AREAS SERVED

Another allegation made by opponents of the legislation is that many cooperatives receiving REA loans do not serve rural areas. It is true that population growth has caused some of the service areas of a small number of cooperatives to become nonrural in character. However, even cooperatives serving areas that once were rural but are now developed have consumer density far less than the average investor-owned utility. And, because these systems have experienced fast and recent growth, they tend to have a great need for new capital. The utility rates charged by these systems would be severely affected without the REA programs.

Although the challenge of bringing electric and telephone service to rural areas has been successfully met by REA programs, the job of REA is far from completed. Like other utility systems, such as those in large cities, where utility services have been developed for decades, rural utility systems continue to need financing to update facilities and replace obsolete equipment, extend service to new customers, and repair damaged equipment. Without a viable REA revolving fund, as provided under S. 1300, for many rural utilities there will be no investment for the future and rural utility rates will have to be increased to prohibitively high levels.

In short, S. 1300 is sound and necessary legislation that merits your support. (If your staff needs any additional information about S. 1300, they may call Jack Cassidy of the Senate Agriculture Committee staff (224-5207).)

Sincerely,

WALTER D. HUDDLESTON.
EDWARD ZORINSKY.
THAD COCHRAN.
MARK ANDREWS.

CONGRESSIONAL BUDGET OFFICE RESPONSE TO ADDITIONAL QUESTIONS ON S. 1300

ANNUAL APPROPRIATIONS

Q. If S. 1300 is not enacted and Congress wanted to maintain the REA loan program under the current law and existing loan levels, how much money would have to be appropriated into the fund between 1985 and 2010?

A. If the Congress wanted to maintain current lending levels (adjusted for inflation) and the current loan interest rate (5 percent) without making other changes in the loan program, appropriations would be necessary to cover the fund's losses. The appropriations necessary to maintain the program would depend on the timing and method of appropriations. The earlier appropriations were provided, the greater would be the impact on the fund and the less the required funding in the long term. Thus, appropriations to cover losses in advance would be less, over time, than appropriations to cover losses after they occurred. For example, if appropriations were made using the formula applied for the 1984 appropriation (which covered losses incurred in 1982 and included imputed interest costs as an expense), appropriations over the 1985-2010 period would total about $13 billion under the baseline economic assumptions. If the Congress immediately appropriated funds to cover the estimated interest losses on existing CBOs and if annual appropriations for the losses on future CBOs were provided, appropriations could be reduced to about $10 billion. Alternatively, if funds were provided only when aggregate interest income was less than interest expense, the appropriations would total $17 billion over the 1985-2010 period.

If Treasury borrowing rates were lower than those assumed in the baseline, the amounts appropriated would be lower. Higher interest rates would increase the amounts appropriated. Appropriations would also be very sensitive to the interest rate paid by borrowers. For example, if borrowers paid interest at the average rate estimated under S. 1300 (about 8 percent), it would be necessary to appropriate only $4 billion over the 1985-2010 period.

COST OF S. 1300

Q. During an earlier hearing on this legislation, an Administration witness repeatedly stated that the cost of S. 1300 will be $21 billion. In addition, that witness indicated that CBO and GAO were developing new cost estimates that would support his estimate. Do you have any such cost estimates?

A. On April 12, 1984, CBO transmitted to the Subcommittee a new estimate of the budgetary effects of S. 1300 using the economic assumptions underlying the CBO baseline projections for fiscal year 1985. Under these assumptions, enactment of S. 1300 would increase federal outlays by an estimated $10.4 billion over the 1985-2010 period. The differences between the new CBO estimate and the analysis submitted to the Subcommittee on October 14, 1983 result primarily from differences in the economic assumptions.

INTEREST RATE FORMULA

Q. In your statement, you indicate that S. 1300 will not ensure the solvency of the REA revolving fund. Could the solvency of the fund be ensured by including in the bill a provision—such as the amendment offered by Congressman Stenholm to H.R. 3050—that explicitly mandates that the interest rate formula be set so that interest income will equal interest expense?

A. With the interest rates and lending levels assumed and the method used in CBO's analysis, adding the Stenholm amendment to S. 1300 would maintain the fund's solvency through the year 2010. But enactment of the amendment might not ensure permanent solvency. (CBO considers the fund solvent if it has a net worth greater than or at least equal to zero.)

As introduced, S. 1300 would enable the fund to maintain its current lending levels adjusted for inflation through the year 2010. It would not ensure solvency, however, because the interest-rate formula uses all of the funds net income to subsidize the interest rate on future loans. As a result, the fund's net worth would gradually be eroded, and ultimately, the interest-rate formula would produce standard rates above the Treasury borrowing rate.

The Stenholm amendment to H.R. 3050 seeks to address these problems by requiring that the interest rate on REA loans be sufficient to produce total interest income equal to the interest expense on the fund's past and future obligations. The amendment does not specify how the REA Administrator should set rates to accomplish this.

CBO has analyzed the effect to the Stenholm amendment using two different approaches. One approach assumes that the Administrator would impose a surcharge on loans when the balance between the fund's interest expense and interest income requires an infusion of money. The second approach assumes that the Administrator would impose a surcharge beginning in 1985. In both cases, CBO's estimate assumes that the standard rate would be set so that the interest payments from the 35-year amortized loans will equal the interest payments on the 30-year, non-amortized obligations to the FFB.

Because of the higher interest paid by borrowers, including the Stenholm amendment would reduce the budgetary effects of S. 1300. The amount of the reduction would depend on how the amendment was implemented. Under the first approach, CBO estimates that enactment of S. 1300 with the amendment would increase net federal outlays by about $10.2 billion over the 1985-2010 period. Under the second approach, net federal outlays would increase by an estimated $8.9 billion through the year 2010. These outlay estimates reflect the difference between applying a surcharge late in the period and applying it starting in 1985.

Under CBO's methods and assumptions, the fund would remain solvent through the year 2010 if the Stenholm amendment were included in the bill. Because the standard rate might still exceed the Treasury rate in the more distant future, this amendment might not ensure the permanent solvency of the fund.

There is more than one way, however, to interpret the standard interest rate formula in the bill—and the REA and the National Rural Electric Cooperatives Association (NRECA) generally use a method that produces a rate lower than emerges from the CBO analysis. When such a lower rate is assumed, the funds interest income is less, and the fund would not remain solvent through the year 2010—with or without the Stenholm amendment. The fund would, however, be able to continue its lending activity throughout the period.●

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HECHT. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MELCHER. Mr. President, I am pleased that the majority leader has sought, and is continuing to seek, an opportunity to call up the resolution concerning the Select Committee on Indian Affairs, Senate Resolution 127.

This resolution was placed on the calendar on November 2, 1983. Those who have been following the issue will recall that last fall, in the last few minutes of the first session of the 98th Congress, before the adjournment sine die of that session, unanimous consent was sought to call up the resolution and to agree to it.

The Select Committee on Indian Affairs has been operating for 7 years, and has served the Senate well, served the Indian community well, and has also served the country well during those 7 years.

At each stage the Senate found itself constrained to limit the years of existence of the Select Committee on Indian Affairs. Because we found these temporary extensions to create strain and stress not only on the members of the committee but also on the staff of the committee, we sought in this Congress to make sure that, by resolution, we extended the Select Committee on Indian Affairs permanently, not just for 2 years or 3 years or even 1 year. A permanent committee is needed so that all of the Senate, all of the Indian tribes, and all the States know that the select committee of the Senate would continue to resolve those matters on Indian affairs that, from time to time, come before the Congress.

It has been quite a productive committee, I might say at this point. Hundreds of bills have been considered in the past 7 years in that committee. Scores of bills have been enacted into law. There have been extensive functions by the committee. I might add that this is not just oversight on Indian Affairs; it is oversight on the relationship of Indian tribes with the rest of the country.

This in not only especially important in the Western States but also extremely important in the Eastern States in the settlement of Indian claims. Three States have had settlements of Indian claims, those States being Maine, Rhode Island, and Connecticut. But there are at least a half dozen other Eastern States that will require settlements on Indian claims.

Last fall, knowing full well that the time had come in this Congress to fully debate this issue, the Senate decided that it would, by resolution, temporarily extend the life of the select committee for 6 months into this year. That extension was until July 1.

That left the resolution on the calendar. The resolution was not dealt with, but it remained on the calendar until the majority leader in his wisdom, and I compliment him for it, stated that early in this session, the second session of this Congress, this matter would be brought up either by unanimous consent or he would move to bring it up.

It is significant that we take up this resolution and resolve the issue now. There will be appropriations bills that will be before the Senate or available for the Senate to consider. The armed services authorization bill is ready to be considered in the Senate. The combination of one or two appropriations bills and the authorization bill for defense, plus other necessary items, will take up all of the remainder of this month prior to recess for the Fourth of July observance.

Not only that, but it is important that it be called up because this committee goes out of existence on July 1. Either we deal with the matter now or the committee ceases to exist.

Mr. President, I am not being critical of any one of our colleagues for wanting to offer amendments to this resolution, but I would like to point out that, given the time when the resolution first appeared on the calendar, November 2, 1983, there has been considerable time to develop amendments, and develop a strategy for however those amendments would be offered, by any Senator or group of Senators who would like to amend the resolution. Again, I do not criticize any Senator or group of Senators for attempting to do that.

My remarks are not intended to be critical at all. My remarks are only meant to dramatize the situation and to inform the Senate that time is of the essence. The resolution has been pending for a long time. When it is called up, it will be open for amendments and those amendments can be considered and voted upon.

There are 60 cosponsors of the resolution, and I think some other Senators are very sympathetic to adopting the resolution. I hope that opportunity comes before us very shortly.

● Mr. PRESSLER. Mr. President, I support the legislation making the Select Committee on Indian Affairs a permanent member of the Senate committee system. As a cosponsor of this bill I urge our distinguished colleagues to join us in supporting this plan.

In South Dakota, there are eight Indian reservations. We have an obligation to Indians in South Dakota and across the Nation to provide them with permanent standing committee representation.

I have long supported this legislation which many of my South Dakota constituents endorse as the best method of providing effective representation to the Indian populations of this Nation. Passage of this bill will send a strong signal that the U.S. Senate is truly committed to serving and working with Indians on a full-time basis.

The Select Committee on Indian Affairs deserves to become a permanent member of the Senate committee system. It is foolish to extend the committee's existence every 2 years, as we have been doing, when we can give it permanent authority. The need for the committee is obvious, it has performed worthwhile legislative work for years, and it is time to put it on equal footing with other Senate essential committees.

I would ask that our colleagues join us today in supporting this legislation.●

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I had hoped, as Members know, that we could take up the Indian affairs resolution today by unanimous consent. It is clear now that we cannot. The alternative, of course, would be to move to that measure, but I think for a number of reasons, that is not a desirable procedure. To begin with, it would have the effect of placing the bankruptcy bill back on the calendar, which I am not sure would be a wise thing to do at this time.

The second thing it would do is perhaps interrupt our ability to proceed to other matters that may be more compelling tomorrow and the next day. So, Mr. President, I shall make no further effort to reach the Indian affairs bill this afternoon.

What I am prepared to do, Mr. President, is to ask the Senate to go out until tomorrow. The minority leader is here and I shall, in a moment, ask him if he will consider approving a unanimous-consent request to provide for adjournment of the Senate until tomorrow. The purpose of that is to qualify certain measures on the calen-

dar under the 1-day rule. Then it is my intention to announce that it is the hope of the leadership on this side that tomorrow, after the routine opening ceremonies are out of the way, we can shortly get to the energy-water appropriations bill. That is a request that is not yet cleared, I believe, on both sides, but it is my hope that it can be cleared and that we can dispose of that matter during the day tomorrow.

In any event, Mr. President, it is the intent of the leadership on this side to ask the Senate to turn to the Department of Defense authorization bill as the last item of business tomorrow so it will be the pending business when we return on Thursday. Orders have already been entered for the Senate to convene on Wednesday and Thursday.

Mr. President, it is not the intention of the leadership to permanently displace or to return to the calendar the bankruptcy bill. In both instances, we shall attempt first to reach these other matters by unanimous consent.

That is the situation as it now exists, Mr. President. If the minority leader is prepared for me to do so, I shall now put this unanimous-consent request.

ORDERS FOR WEDNESDAY

Mr. BAKER. Mr. President, I ask unanimous consent that if the Senate stands in adjournment today, it reconvene on tomorrow at the hour of 10 a.m.; that at that time, the reading of the Journal be dispensed with; that no resolutions come over under the rule; that the call of the calendar be dispensed with; and that following the recognition of the two leaders under the standing order, there be a special order in favor of the Senator from Wisconsin (Mr. PROXMIRE) for not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business not to exceed 30 minutes in length with statements therein limited to 5 minutes each; and provided further that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Is there objection?

Mr. MELCHER. Mr. President, reserving the right to object, the majority leader has described the ordinary way for the Senate to proceed tomorrow. I have to note that many Senators have waited a long time for the resolution on the Indian Affairs Committee's continuation to be called up. In fact, it was once passed by unanimous consent and the vote was then vitiated at the request of the majority leader when he found that one or more Senators on that side of the aisle wanted more time.

If we now prolong the calling up of this resolution and proceed on these other matters, the resolution for the continuation of the Committee on Indian Affairs will wait until almost time for the recess for the Fourth of July, and that happens to be the time when the committee goes out of existence.

I find it difficult to oppose the majority leader on these matters of laying out the schedule for the Senate, and I know the majority leader is attempting to accommodate the consideration of the Indian Affairs Committee resolution. I think we are approaching a period of time when we are going to have to be very serious about calling up the matter. I realize the majority leader's reluctance to make a motion to proceed to it and place the bankruptcy bill back on the calendar. However, I am just taking this time and making these comments to indicate to the majority leader that I am getting into a position—and perhaps other Senators are, too—of desperation and we might have to resort to desperate means notwithstanding the operation of the Senate on these other matters.

Mr. BAKER. Mr. President, I thank the Senator. Let me assure him that I do not mean I have permanently abandoned my effort to get up the Indian Affairs resolution. What I do mean is that absent unanimous consent I think it is not practical to try to get it up today, but we will try another day. I can assure the Senator that I will cooperate with Members on both sides of the aisle, and most especially with the Senator who just spoke, to see that this happens. I made a similar commitment to the distinguished Senator from North Dakota, who has a strong interest in this matter, Senator ANDREWS. We will try again. But it would be very awkward to try to do this by any method other than unanimous consent this afternoon. Therefore, I announced, as the Senator knows, that I would not make any further effort to do that today, but that does not mean that I will not do it at all.

Now, Mr. President, I renew the request.

The PRESIDING OFFICER. Without objection, the majority leader's request is agreed to.

Mr. BAKER. I thank the Chair.

Mr. President, I am prepared to go out. I regret that; we are wasting a good part of the day. We have precious few days between now and June 29 to try to do an awful lot of work, but I do not know of any practical alternative.

May I inquire of the minority leader if there is anything further he would like to try to attend to this afternoon?

Mr. BYRD. Mr. President, I know of nothing. I shall proceed between now and tomorrow to further explore the possibility of getting an agreement to lay down the energy and water bill and also the DOD bill, and I will be able to tell the majority leader tomorrow what the results are.

Mr. BAKER. I thank the Senator.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the Senate convening tomorrow be changed to read that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, seeing no other Senator seeking recognition, I move, in accordance with the order previously entered, that the Senate now stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to, and at 4:24 p.m. the Senate adjourned until Wednesday, June 6, 1984, at 10 a.m.

EXTENSIONS OF REMARKS

NATIONAL THEATER WEEK

HON. JOHN H. CHAFEE

OF RHODE ISLAND

IN THE SENATE OF THE UNITED STATES

Tuesday, June 5, 1984

● Mr. CHAFEE. Mr. President, Congress has designated the period June 3-9, 1984, as "National Theater Week." This provides a fitting opportunity for Americans to recognize the tremendous contribution which professional, college, and community theaters are making to our Nation's cultural enrichment.

This observance has special meaning for Rhode Islanders, since the Trinity Square Repertory Company in Providence is celebrating its 20th anniversary season. Founded in 1964, Trinity Square has exhibited a consistently high level of artistic achievement and is one of our State's most treasured institutions.

Trinity Square has achieved prominence as a versatile and creative resident company, whose offerings have regularly included American drama, world classics, musicals, and distinguished new works. Under the leadership of its director, Adrian Hall, the company has brought dynamic theater to growing and appreciative audiences in Rhode Island and on successful national and international tours.

The capacity of an arts institution to provide community service has been proudly demonstrated by Trinity Square. Trinity's "Project Discovery" program has enabled thousands of schoolchildren to attend special daytime performances and to gain an appreciation of theater which might not otherwise be possible. Trinity Square continues to reach out to special populations and is making the stimulating experience of live theater accessible to a wider audience.

The Trinity Square Repertory Company has been acclaimed as one of our Nation's finest regional theaters. Trinity Square is the recipient of a Tony Award from the American Theater Wing—the theater's highest honor—for its outstanding achievements.

I join with all Rhode Islanders in congratulating Trinity Square on the occasion of its 20th anniversary season, and in expressing gratitude for its invaluable contribution to our State's cultural life. I hope Trinity Square will continue to receive strong support and recognition for its future activities.●

SALUTING MR. JUSTICE BRENNAN

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. CONYERS. Mr. Speaker, Justice William J. Brennan, Jr., has served with distinction on the U.S. Supreme Court for 28 years. When appointed to the Court by President Eisenhower, Justice Brennan was a member of the New Jersey Supreme Court. Previously he had been a judge of the New Jersey Superior Court and its appellate division, and he began the private practice of law in Newark.

It is fitting, therefore, that the Passaic County N.J. Bar Association should salute Mr. Justice Brennan. The Reporter, the publication of that association, devotes most of its spring 1984 issue to articles about this distinguished jurist. The issue includes tributes from Chief Justice Burger, Justices Powell and O'Connor, former Justice Stewart, and Senator BILL BRADLEY. I recommend these tributes to my colleagues, in particular the following tribute, written by the Reporter.

MR. JUSTICE BRENNAN: ARCHITECT OF FREEDOM

In 1966, the late Chief Justice Earl Warren spoke glowingly of his young Brother, Associate Justice William J. Brennan, Jr.:

"This I must say. He administers the Constitution as a sacred trust, and interprets the Bill of Rights as the heart and life blood of that great charter of freedom. His belief in the dignity of human beings—all human beings—is unbounded. He also believes that without such dignity men cannot be free. These beliefs are apparent in the warp and woof of all his opinions." (80 *Harvard Law Rev.* 1, 2 (1966).

And Chief Justice Warren added:

"As a colleague, he leaves nothing to be desired. Friendly and buoyant in spirit, a prodigious worker and a master craftsman, he is a unifying influence on the bench and in the conference room."

Earl Warren was writing to celebrate the tenth anniversary of Justice Brennan's appointment to the Supreme Court in 1956. Understandably, he declined to speak in terms of definitive judgment of a great judicial career that was still in its ascendency. His was an interim appraisal. Thus, he said:

"This is not the time to attempt the summation of a career. It is neither the alpha nor the omega of one. We are only at a milepost in a brilliant judicial career from which vantage point we can recognize the accomplishments of a man dedicated to 'Equal Justice Under Law', and wish for him what his record to date forecasts—many more years of continued success and happiness."

Nearly twenty years have passed since Earl Warren made that eloquent assessment of his colleague in the centuries-long battle for civil liberties and human dignity. In a little more than two years Justice Brennan will have served on the Court for thirty years. Once the junior member of the Court who in his freshman days served as the doorkeeper at the Court's conferences, he is today its senior member, The Burger Court has replaced the Warren Court.

VERDICT: A GREAT JUSTICE

The final assessment that Chief Justice Earl Warren hesitated to make can now safely be made. The jury verdict of Justice Brennan's peers and of legal scholars is in.

Elsewhere in this issue, Frank Askin, the distinguished professor of constitutional law at Rutgers Law School in Newwark gives his reasoned judgment as to Justice Brennan's place in legal history. "Justice William J. Brennan, Jr.," he wrote for this issue, "in my judgment has been the most significant and influential Justice in Supreme Court history. He was the intellectual architect of what was called the 'Warren Era'. For the past decade, he has kept his finger in the constitutional dike."

High praise, indeed, but richly merited and earned over the years by achievement! Admittedly, some will disagree as to rating relative greatness. Few will question, however, his continuing influence and significance.

The modesty of this genial human being conceals what, to some, may come as a surprise. The watchers of the Court have done more than decide that Justice Brennan is one of the great Justices in all the long history of the Court. Scholar after scholar has reached the same conclusion expressed for us by Prof. Askin: that in a characteristically quiet way he was the intellectual architect of many of the leading decisions of the Warren Court and that today in the era of the Burger Court it is his powerful influence within the Court that results in decisions which in important areas of the law not only preserve many of the basic civil liberties and human rights gains of the Warren Court but in some instances even occupy new heights.

It can now be securely documented that for some twenty-five years Associate Justice William J. Brennan, Jr., has been the paramount architect of freedom in this country. The tribute paid to him by Chief Justice Earl Warren has proved to be richly merited. He has earned both the plaudits and the gratitude of both his country and of our own State of New Jersey.

We on the Reporter staff can take justifiable pride in the enormous contributions he has made to the great cause of freedom and liberty in this country and throughout the world. In an important way we took his measure first and appraised him accurately. Our then Editor-in-Chief, the late Jacob L. (Jack) Bernstein, wrote a series of articles for our little publication in 1956 and early in 1957, predicting the judicial course he would take. The brilliant prescience of Jack's evaluation has more than stood up well during these nearly thirty years since he wrote those articles. Jack was right on target. Elsewhere in this issue we reprint his articles. You can judge for yourself how accurately he prophesied the powerful influence that Justice Brennan would be to strengthen and advance the Bill of Rights.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

We take pride too in doing our bit to thank Justice Brennan for what he has done over these nearly thirty long years on the Supreme Court of the United States to safeguard the freedoms of all of us. This issue of the Reporter honors him. We have marshalled an unparalleled group of his colleagues, peers and well-wishers to flesh out the call for liberty that rings through many of his opinions. In a small way, we are aiding our State and our country in paying merited tribute to one who has benefited all of us in ways that only legal scholars see with wide-angle vision. And we consider ourselves fortunate to have this opportunity to thank him publicly and warmly.

We could easily write a book on the leads our research into his career has given us. We won't. Ours is an antidote to law reviews, not a repository of legal scholarship. We prefer the anecdotal approach far more than the dry-as-dust technique of summarization of legal opinions and statistical tabulation of voting line-ups on critical opinions. The subject calls for the skills of a Plutarch writing about the noble Greeks and Romans more than for a footnote-studded exegesis (critical interpretation of a book or section of Scripture). Our basic search is for the why of this great man. The how is memorably cast in the thousands of opinions he has drafted, either for the majority, in concurrence, or in vigorous, occasionally impassioned, dissent, since he first took his seat on the Court in 1956 as an interim appointee by President Dwight Eisenhower.

THE COURT'S INTELLECTUAL LEADER

Our seemingly bold premise that for some twenty-five years Justice Brennan has been the paramount intellectual force on the Supreme Court rests solidly on the published conclusions of legal scholars. Concededly, on a Court of nine disparate personalities, all of whom have ability and competence, no one Justice is ever totally overpowering. It is a collegial institution of give and take, of persuasion, compromise and frequent narrowing of expressed views to form majority and thereby reach majority concensus. Nevertheless, the perspective of time now affords a fuller realization of the enormously significant role that Justice Brennan has played and continues to play, both in the Warren Court and now when he must deal with a majority of more conservative Justices comprising the Burger Court.

It may surprise some readers for us to characterize him as the intellectual leader of both the Warren and the Burger Courts. The evaluation does not emanate from overadmiring enthusiasm for the judge, and the eminently decent human being, however. It is instead that of legal scholars and Court-watchers who have cooly evaluated the shifting alignments of the Justices over the years, and have access to the heretofore secret papers of those Justices who have retired or died. One legal scholar after another has agreed on the identical judgment: Associate Justice William J. Brennan, Jr., has supplied the critical legal analysis in decision after decision in both Courts which has won a majority of the Court, and thereby is reflected in "The Opinion of the Court."

Here, for example is Edward V. Heck, Assistant Professor for Political Science at the University of New Orleans, appraising the Warren Court years between 1962 and 1969, in an article in the Santa Clara Review (Heck, "*Justice Brennan and the Heyday of Warren Court Liberalism*, 20 Santa Clara Law Rev. 841 (1980)): "The influence of Warren in the decisions rendered during these years is too apparent to deny. Often overlooked, however, are the crucial contributions of the Chief Justice's closest collaborator, Justice William J. Brennan, Jr. Close examination of voting patterns and opinions clearly points to the conclusion that it was Justice Brennan even more than the Chief Justice who deserves to be remembered as the cutting edge of Warren Court liberalism.

"In this article, Justice Brennan's contributions to the jurisprudence of the late Warren Court will be addressed not only through statistical analysis of votes, but also through consideration of how his opinions gave shape to the Court's dominant liberal philosophy."

Far more learned and scholarly than the somewhat hyped and popularized book, "The Brethren" by Woodward and Armstrong, is an important new book, by Bernard Schwartz, "Super Chief: Earl Warren and His Supreme Court—A Judicial Biography." In a review of Schwartz's book for the Michigan Law Review, Professor Dennis J. Hutchinson of the University of Chicago Law School concluded: "When the public record is added to Schwartz's numerous behind-the-scenes examples of managing the Court, Brennan emerges clearly as the single most important Justice of the period."

These are carefully weighed judgments by scholars as to the enormous impact and influence of Justice Brennan during the Warren Court years. What then of his role today during the Burger Court Era?

ONE PERSON MAKES A DIFFERENCE

How enormously potent continues to be the contribution of this quiet and genial advocate for freedom, sitting on the High Court, is revealed by an eye-opening article by Professor Stephen Gillers of New York University Law School which appeared in The Nation on September 17, 1983. Entitled "The Warren Court—It Still Lives" with a subhead of "Liberal Momentum," Prof. Gillers there comments:

"Thirty years have passed since President Eisenhower named Earl Warren Chief Justice of the Supreme Court. On October 3, the Court begins its fifteenth term under Chief Justice Warren E. Burger, who succeeded Warren in 1969. During the past fourteen years, Republican Presidents have appointed two-thirds of the Court's members. Yet the Warren Court's legacy persists, weakened in some areas, strengthened in others. How can that be explained? What are the impending threats to the legacy?

"The answers to those questions encompass the Court's work and membership since the early 1960s. As we shall see, the story has a hero—William J. Brennan, the Court's longest-sitting Justice. Brennan was appointed in 1956, so his tenure spans most of the Warren and all of the Burger years. It is increasingly clear that he deserves much of the credit for fashioning the legal theories that could support the progressive decisions of the last quarter-century, and for then persuading a majority of his colleagues to accept them. That achievement in large part explains the survival and occasional extension of precedents from the Warren era."

Two qualities, Prof. Gillers explains, "are crucial for a Justice to translate his or her views into majority opinions. The first is intellectual strength, the ability to state a position and defend it with theories that rely on traditional legal sources; history, precedent, reason, language, experience and institutional competence. But it is not enough to be a theoretician. A Justice must also be able to convince others of the rightness of his or her theory. That quality, sometimes called judicial leadership, requires clarity, a willingness to listen, flexibility and perhaps a gentle persistence. The Court has always had members who are neither intellects nor leaders, members who are one or the other, and an occasional member who is both."

Appraising the history of both the Warren Court and the Burger Court, Prof. Gillers noted that, of the liberal Justices who have served since the Eisenhower Administration, Justices Black and Brennan have been most prominent in developing and defending theories of the Constitution and the Court's institutional role. Of the others who formed the liberal Warren Court, his conclusion is that Goldberg and Fortas served too briefly to have a significant influence, while Douglas and Warren, although enjoying many years on the Court "for one reason or another did not consistently justify their positions with arguments lawyers recognize as within the province of an American court. Brennan had the intellect and willingness to fashion constitutional doctrine and the foresight to start early. The benefits of longevity often require that it be anticipated."

His conclusion in his seminal Nation article is that the ideas Justice Brennan advanced in the 1960s continue to influence the Court's direction in the 1970s and 1980s. In this regard, he fully concurs with Prof. Hutchinson who has pointed out, "The list of Brennan's opinions for the Court on constitutional questions reads like a syllabus for any comprehensive study of what is usually referred to as the 'Warren Court'." Examples of Justice Brennan's profound influence on constitutional law and the history of the Court for the past twenty-five years include such important cases decided in the '60s as Baker v. Carr, which decided that Federal Courts have constitutional power to review the apportionment of state legislative districts; New York Times v. Sullivan, the landmark decision providing the news media and others with a constitutional defense in libel actions by public officials, and Shapiro v. Thompson, striking down residency requirements for welfare applicants. And even during the Burger Court years, when there has been marked erosion of the Warren Court legacy of judicial activism, progress is noticeable and notable in certain areas. These include such innovative majority decisions as Eisenstadt v. Baird, confirming the right of an unmarried person to receive birth control information and which correspondingly furnished the constitutional reasoning supporting the later abortion cases; Plyler v. Doe, holding unconstitutional a Texas law that denied free public education to illegal alien children; and numerous decisions strengthening the constitutional rights of women.

BURGER COURT APPRAISED

As Prof. John M. Burkoff of the University of Pittsburgh Law School recognized in a letter to the Nation commenting on Prof. Gillers' article, the Burger Court has had a decent, if unspectacular, record in many areas of civil rights and civil liberties. (Nation, Oct. 8, 1983). He decried, however, as "abysmal," the Court's record with respect to the Fourth Amendment law of search and seizure. Even in this latter area, however, the Court's retreat from Warren Court rulings has by no means gone as far as might be anticipated. There have been victories for search-and-seizure issues, including a major decision that police officers

may not enter a house without a search warrant to make an arrest, and other decisions that restrict the use of "drug courier profiles" as the basis for airport arrests.

Prof. Gillers' conclusion is heartwarming to those who not only admire Justice Brennan for his views and convictions but have the special pride that he comes from our own State and is one of our own:

"The lesson to draw from all this is that despite the disappearance of the liberal majority, the liberal momentum has continued largely because of the intellect, stamina and personal qualities of one man. Most important is intellect. Over the long term, majorities cohere around principles, not personalities. The Court must explain its decisions with legal theories that are durable, not disposable with the next hard case. Not only is Brennan the Court's liberal theoretician but, as Schwartz shows, he has also been able to forge majorities by advancing arguments that are acceptable to the Court's centrists, something the conservatives have failed to do as often as one might have expected a decade ago."

Those are words of high praise. They are by no means unique. Accolades and plaudits are very much the order of things when Justice Brennan's peers comment on him.

RATING BY HIS PEERS

Lord Parker of Waddington, Lord Chief Justice of England, wrote of Justice Brennan:

"All contemporary American lawyers will be familiar with the force and lucidity of his judgments, but of the thousands who admire his work only a handful can have met him personally. Those fortunate enough to have done so will have seen a man young in heart and possessed of enormous vitality who talks to everybody and is equally at ease with the young, the old, the distinguished, and the ordinary. No difficulty ever seems to disturb his serenity, and he is never too busy to give help where it is needed." (80 Harvard Law Rev. at p. 3) (1966).

Erwin N. Griswold, Harvard Law School Professor and onetime Solicitor General of the United States, made precisely the same point as Prof. Gillers:

"To compare Justice Brennan's role on the Court with that of Justice Holmes illuminates, by contrast, another aspect of Justice Brennan's judicial work. Justice Holmes became known as the great dissenter. Justice Brennan has more often functioned as the balance wheel, standing in the center and working out the uneasy compromises and accommodations necessary for the Court to get on with its work. It cannot be an easy task, and at times the resulting opinions have earned academic criticisim for lack of logical purity or the absence of consistent policy.

"It is the role of critics to help the law work itself pure, but the first necessity of the Court's work is that it must function if it is to be a court at all. Justice Brennan, I think, has felt that need most keenly, for he, more often than any other Justice, has worked out the decisions which would command the assent of a majority when the Court seemed hopelessly split into minor fragments." (Griswold, "William J. Brennan, Jr.-Legal Humanist," 80 Harvard Law Rev. 4,5 (1966).

His longtime colleagues and Brother on the Court, Justice Potter Stewart (who elsewhere in this issue makes his contemporary appraisal of his old friend in a tribute written for the Reporter) wrote this in 1980:

"Mr. Justice Brennan's published opinions and his extracurricular writings attest to the eloquent constancy with which he has adhered to the principles of individual liberty and political equality instinct in our nation's organic law. For him, these principles are not mere abstract maxims of social organization; they represent the distilled ethical wisdom of a people who believe fundamentally in the dignity and worth of every individual human being. They are also for Mr. Justice Brennan ultimate commitments of deep personal belief to which he has given practical expression throughout his adult life—as a lawyer both in private practice and for the United States government, as a trial judge in New Jersey, as a member of that state's highest court and since 1956 as an Associate Justice of the Supreme Court of the United States.

"It has been my special privilege to have been a colleague of Mr. Justice Brennan's for twenty-one of the twenty-three terms he has so far served on this Court. The magnitude of his contribution to the law through the humane and perceptive exegesis of the next of the Constitution is enormous, permanent and widely acknowledged. Less known publicly, but no less appreciated by his colleagues are Mr. Justice Brennan's personal kindness and inexhaustible good cheer—cherished qualities on a Court whose hard cases touch deeply held and sometimes antagonistic constitutional and moral beliefs." (Stewart, "Testimonial to Mr. Justice Brennan," 15 Harvard Civil Rights-Civil Liberties Review 281 (1980).

OUR THANKS TO JUSTICE BRENNAN

One could go on and on, but these warm comments are but illustrative of the high esteem in which Mr. Justice Brennan is held by those most competent to judge him as a Justice and as a human being.

We on the Reporter are pleased and proud beyond telling to have had the opportunity to convey our personal thanks and those of the legal profession in and out of our State to Justice Brennan. We regard him as a national treasure. We wish him the best. And we salute him warmly with that lovely Irish toast that says so much so beautifully:

Dear Justice Brennan:
May the road always rise up to meet you.
May the wind be always at your back.
May the sun shine warm upon your face.
And may the Good Lord always hold you in the hollow of His hand.●

ALABAMA HONORS RELIGIOUS AND PERSONAL FREEDOM

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. ERDREICH. Mr. Speaker, Sunday, June 10, 1984, has been set aside by proclamation of the Honorable George Wallace, Governor of the State of Alabama, and the Honorable Richard Arrington, mayor of the city of Birmingham, as Race Unity Day, a day in which all Alabamians are being called upon to rededicate themselves to strengthening relations between all people.

The idea for this special day was conceived by my constituents, Jim and Nosrat Scott of Birmingham. Mrs. Scott, a native of Iran, is a member of the Baha'i faith, Iran's largest religious minority. Some 300,000 of the world's 2 million Baha'is reside in Iran, and are denied recognition by Iran's constitution and subjected to religious persecution.

Noting the vast improvement in race relations in Alabama over the years, Mr. and Mrs. Scott thought it appropriate to set aside a day where the right to religious and personal freedom could be celebrated and encouraged.

As citizens of a country in which freedom to practice whatever religious beliefs we choose is a cornerstone of our Constitution, it is important that we speak out when we see religious and personal freedoms denied.

I would like to commend the Scotts for their efforts to attain religious and personal freedom for the Bahai's in Iran and for people of all races, creeds, and colors in Alabama and throughout the world. I also commend Governor Wallace and Mayor Arrington for their recognition of the importance of encouraging and actively pursuing unity among all people.

The text of the proclamation setting aside June 10, 1984 as Race Unity Day in Alabama follows:

STATE OF ALABAMA PROCLAMATION

Whereas, world unity is the goal of harrassed humanity; and

Whereas, we live in a world that makes universal peace our first priority if civilization is to survive and advance; and

Whereas, a major obstacle to the attainment of world peace is the prejudices that separate men and cause disunity, we must therefore work to eliminate these barriers; and

Whereas, the earth is, in reality, one country and mankind its citizens; and

Whereas, we in America have been given great spiritual capacities and blessings, we must take the leadership in the quest for and attainment of world unity:

Now, therefore, I, George C. Wallace, Governor of the State of Alabama, do hereby proclaim Sunday, June 10, 1984, as Race Unity Day in Alabama, in the prayerful hope that Americans everywhere will take this time to rededicate themselves to eliminate barriers to Race Unity.

GEORGE C. WALLACE,
Governor.●

ARMS CONTROL, SELF-CONTROL

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. ASPIN. Mr. Speaker, I take this opportunity to congratulate my colleague GEORGE BROWN for his efforts to keep the arms race from spreading into space, and to express my appreciation for his work to halt development of the antisatellite (ASAT) weapon.

When GEORGE offered an amendment last year to cut procurement funds for ASAT's, most Members had never heard of the weapon, which is designed to destroy satellites in their orbit. But his diligence served him well—this year I, and a dozen colleagues, joined him as cosponsors of his amendment to halt U.S. ASAT testing as long as the Soviet Union does not resume its testing. LARRY COUGHLIN led this bipartisan effort with GEORGE to stop the first step of the arms race into space. GEORGE's dedication over the years in support of civilian space programs, and his warnings about the impending "weaponization" of space, served to lay the groundwork for the overwhelming passage of his amendment last week and for future efforts in this area.

It should be noted that passage of the Brown-Coughlin ASAT amendment represents only the first step in what promises to be a major debate over the next several years over the military role of outer space as it relates to overall U.S. strategic and arms control policy. A mutual ASAT test moratorium is key to the future of arms control in space, and the success of this amendment represents a major first step toward that goal. GEORGE has vigilant over this developing problem—I have no doubts he will continue to be. I look forward to continuing my work with him.

Mr. Speaker, the other body has yet to act on the matter of ASAT's. I submit the following editorial appearing in the Los Angeles Times following approval of the Brown-Coughlin amendment by the House in the hopes that the excellent advice will be heeded by our distinguished colleagues.

The editorial follows:

[From the Los Angeles Times, May 25, 1984]

ARMS CONTROL, SELF-CONTROL

Once again the Iron Curtain is wrapped tightly around the Soviet Union. Its leaders hunker down and bluster either because they feel that they have been crowded into a corner or believe that sulking will send a danger signal to Americans and their allies.

Whatever the reason, as Times correspondent Dan Fisher reports from Moscow, the Soviet Union refuses to proceed with technical improvements in the "hot line" between Moscow and Washington because they might appear to agree with the West about even one thing.

The nuclear arms race plunges full speed ahead, with no sign that either superpower is interested in negotiating a slower pace. Moscow warns of planetary immolation. Leaders of a group of non-aligned nations urge the superpowers to stop the "rush toward global suicide"—a plea that may be joined by Pope John Paul II. President Reagan counseled calm in his press conference this week, saying that the Soviets cannot continue to match the United States arms buildup and will find a way to resume talks on arms control once that sinks in. But his own advisers talk privately as though arms control has outlived its usefulness. The chill may last for years.

The common view of arms control based on the SALT I and SALT II agreements is that it requires formal negotiations with all the trappings of conferences and bargaining chips, charges and countercharges and, finally, signing ceremonies.

But the philosophical primer on arms control, written more than two decades ago and still as valid as the day it was published, foresaw times like these when for reasons of domestic or international politics the trappings, the political theater, would become more important than the goals.

In "Strategy and Arms Control" Thomas C. Schelling and Morton Halperin wrote: "It is an important tactical question whether the most promising approach to arms control is to seek formal treaties . . . or just mutual self-restraint. . . . It can be as formal as a multilateral treaty or as informal as a shared recognition that certain forms of self-control will be reciprocated."

Rep. George E. Brown Jr., (D-Colton) used a leaf from that book Wednesday in a move, simple and brilliant, designed to halt the next arms race before it gets properly started—the race to build fleets of satellite-killers that could destroy orbiting cameras and sensors that each superpower uses to monitor the other's military maneuvers and installations.

By a 238-181 vote, the House adopted a Brown amendment to the 1985 defense authorization bill that prohibits testing of the U.S. satellite-killer against a target in space until and unless the Soviet Union conducts one more test of its own satellite-killer—a cumbersome device that has failed five of the six test missions conducted since 1977.

What the House voted for was the first step toward mutual self-restraint. There can be no endless arguing over treaty language, no walkouts, no loopholes. Once enacted into law, the simple language would send a signal to the Soviet Union that if it really wants to stop pushing weapons of war into outer space it has a deal.

The risks of taking first step are slight. Because the Soviet satellite-killer is launched from a single site in Kazakhstan, U.S. satellites will know instantly if the Soviets conduct one more test. The move would not block further research and development on either side on more sophisticated weapons.

The benefits could be immense. The United States, with its global security commitments, leans far more heavily on satellites to link its forces overseas than does the Soviet Union. If the United States presses the development of its own satellite-killer, the Soviet Union would accelerate a search for one of its own that would fly higher and work better than its existing crude device.

Keeping violence out of space is a goal well worth pursuing in its own right. But there is more to Brown's approach than that. If the Soviets show the restraint that they have twice offered to show on satellite-killers, the informal trail to arms control blazed by Schelling and Halperin may spread to other weapon systems. As their book points out, arms control is not disarmament. It simply recognizes "mutual interest in the avoidance of a war that neither side wants, in minimizing the costs and risks of arms competition and in curtailing the scope and violence of war in the event it occurs."

Brown has performed a service in showing another way to meet those goals. The Senate should go along with the House. Reagan should endorse the signal that the United States is ready to show self-restraint on violence in space. The Soviets, in their present sullen mood, need say nothing that would imply agreement. It is chance worth taking.●

UNIVERSITY OF MINNESOTA—1984 COLLEGE BOWL CHAMPIONS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. VENTO. Mr. Speaker, on many occasions my colleagues and I have risen to acknowledge the athletic prowess of individuals and teams. We have recognized Olympic athletes, State, or conference champions and national champions. While these teams and individuals do deserve recognition, we must also recognize and praise academic excellence.

Recently, the University of Minnesota, together with 15 other college and university teams, participated in the 30th anniversary revival of the College Bowl. Responding to questions on history, literature, science, and other topics, the Minnesota Golden Gophers survived through the preliminary rounds and won the championship match by a score of 205 to 120 over Washington University.

I want to congratulate the victorious University of Minnesota team. I am certain that this is just the first of a string of national champions.

Mr. Speaker, at this time I would like to share with my colleagues a stirring account of Minnesota's victory.

The following material was submitted for the RECORD:

[From the St. Paul Dispatch, May 24, 1984]

U TEAM REVIVES TO WIN TV BOWL REVIVAL

(By Dorothy Lewis)

The Angel Gabriel blew his horn for the University of Minnesota's College Bowl team Wednesday night when Matt Marta answered the winning question to make his team the national champions.

"Who was God's messenger to Earth?" the questioner asked.

With split-second timing, Marta hit his buzzer and replied, "Gabriel!"

Marta's answer helped the Gopher College Bowl team score a smashing victory of 205-120 over Washington University of St. Louis to win the national championship. The winners earned a $20,000 scholarship for the University of Minnesota.

Marta, of Chicago, was modest about his part in the victory.

"I don't know what it is," he said. "I don't play Trivial Pursuit that much. I just remember stuff that other people don't."

About 1,100 people watched the NBC broadcast of the 30th anniversary revival of the once highly popular television program dubbed the battle of the brains.

The live broadcast from St John's Arena on the Ohio State University campus in Columbus was complete with the school's marching band and cheerleaders.

To qualify for the finals, Washington University, the crowd favorite, had to beat

Vassar College, while Minnesota beat Princeton.

Minnesota, the underdog, had lost all of its practice games in the past week, according to team captain Mark Molenaar, 25, a graduate student in electrical engineering from Willmar.

The team won with its commanding lead despite missing several final-round questions, including how Anna Karenina died (by throwing herself in front of a train) and the salesman's name (Willy Loman) in Arthur Miller's play, "Death of a Salesman."

Gopher team members included Marta, 20, economics major, Mark Lacy, 22, Madison, Wis., a history senior, Tina Karelson, 20, junior English and journalism major from Minneapolis, and Barney Hadden, 21, a junior in English from Provo, Utah.

Sixteen college and university teams competed in preliminary rounds earlier this week for spots in the finals.

The College Bowl was originated in 1953 by Don Reid, a Canadian writer and college athlete who wanted to give brainy youths the same recognition athletes received.

The program began on NBC radio, moved to CBS television in 1959 and shifted to NBC in 1963 for its final seven years.●

VOTING RECORD

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the House of Representatives here in the CONGRESSIONAL RECORD. I strongly believe that the people of Arizona have a right to know where I stand on the issues decided by the House, and I have found that printing my record here is the best way to provide that information.

This is not an all-inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constitutents will have additional questions about the issues described here. So I invite them to write me for specifics, or to visit my district office at 300 North Main in Tucson or 1419 North 3d Street, Suite 103, in Phoenix.

The list is arranged as follows:

KEY

1. Official rollcall number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of issue being voted on;
5. The date of the action;
6. My vote, in the form Y=yes, N=no, and NV=not voting.
7. The vote of the entire Arizona delegation, in the form (Yes-No-Not voting);
8. An indication whether the motion or amendment was passed or rejected; and
9. The total vote.

VOTING RECORD

351. H.R. 2912. Justice Department Authorization. Adoption of the rule (H. Res. 239) providing for House floor consideration of the bill to authorize $3.43 billion for programs of the Justice Department. Adopted 341-43: Y(4-0-1), September 30, 1983.

352. H.R. 3231. Export Administration Act. Roth, R-Wis., amendment to the Wolpe, D-Mich., amendment, to prohibit the export of goods or technologies likely to be used in a nuclear production facility to any country that does not maintain International Atomic Energy Agency safeguards on all its peaceful nuclear activities, unless those goods or technologies are readily available from foreign sources. Rejected 163-220: N(2-2-1), September 30, 1983.

353. H.R. 3231. Export Administration Act. Wolpe, D-Mich., amendment to prohibit export licenses for goods or technologies likely to be used in a nuclear production facility to any country that does not maintain International Atomic Energy Agency safeguards. Adopted 196-189: Y(2-2-1), September 30, 1983. A "nay" was a vote supporting the president's position.

354. H.J. Res. 368. Continuing Appropriations, Fiscal 1984. Adoption of the conference report on the joint resolution to provide continued funding, through Nov. 10, 1983, for government agencies whose regular fiscal 1984 appropriations bills had not been enacted. Adopted 232-136: Y(2-2-1), September 30, 1983.

355. H.J. Res. 368. Continuing Appropriations, Fiscal 1984. Whitten, D-Miss., motion that the House recede from its disagreement to the Senate amendment No. 7 and concur therein with a substitute amendment. The substitute was the compromise that conferees had reached on defense spending for fiscal 1984. Motion agreed to 232-65: Y(4-0-1), September 30, 1983.

357. H.R. 2379. Park System Protection. Hansen, R-Utah, amendment to the Udall, D-Ariz., substitute, to delete provisions requiring the interior secretary to delay exercise of this authority to lease, permit any use of, sell or dispose of lands adjacent to national park units until he has determined such action will have no significant adverse effect on park values. Rejected 160-245: N(3-1-1), October 4, 1983.

358. H.R. 2379. Park System Protection. Passage of the bill to require the interior secretary to identify threats to the national park system, both inside and outside park unit boundaries, together with measures for alleviating them, in a biennial "State of the Parks Report" to Congress, and to review beforehand proposed actions by the Interior Department and other federal agencies on lands inside and adjacent to park units that may adversely affect park values. Passed 321-82: Y(1-3-1), October 4, 1983. A "nay" was a vote supporting the president's position.

359. S. 1852. Defense Production Act Extension. LaFalce, D-N.Y., motion to suspend the rules and pass the bill to extend the Defense Production Act for two years, through September 30, 1985. Motion rejected 233-168: Y(3-1-1), October 4, 1983. A two-thirds majority of those present and voting (268 in this case) is required for passage under suspension of the rules.

360. H.R. 3363. Interior Appropriations, Fiscal 1984. Adoption of the conference report on the bill to appropriate $7,953,783,000 in fiscal 1984 for the Interior Department and related agencies. Adopted 296-95: Y(2-2-1), October 5, 1983. The president had requested $6,709,628,000 in new budget authority.

361. H.R. 3958. Energy and Water Supplemental Appropriations, Fiscal 1984. Adoption of the rule (H. Res. 331) providing for House floor consideration of the bill to provide $119 million in fiscal 1984 supplemental appropriations for 43 water resource projects. The rule waived points of order against the bill for making appropriations without authorizing legislation. Adopted 270-124: Y(3-1-1), October 5, 1983.

362. H.R. 3959. Supplemental Appropriations, Fiscal 1984. Adoption of the rule (H. Res. 332) providing for House floor consideration of the bill to make supplemental appropriations for fiscal 1984. Adopted 308-83: Y(4-0-1), October 5, 1983.

363. H.R. 3959. Supplemental Appropriations, Fiscal 1984. Passage of the bill to appropriate $444,740,800 in supplemental funds for fiscal 1984. Passed 363-30: Y(4-0-1), October 5, 1983.

364. H.R. 3958. Energy and Water Supplemental Appropriations, Fiscal 1984. Edgar, D-Pa., amendment to delete 20 unauthorized projects from the bill to provide $119 million in fiscal 1984 supplemental appropriations for 43 water resource projects. Rejected 133-271: N(0-4-1), October 6, 1983. A "yea" was a vote supporting the president's position.

365. H.R. 3648. Amtrak Improvement Act. Florio, D-N.J., amendment to direct Amtrak to issue preferred stock to the secretary of transportation to discharge Amtrak's debt on loans guaranteed by the secretary. Rejected 151-198: Y(1-3-1), October 6, 1983.

367. H.R. 1870. Vietnam veterans Medal. Annunzio, D-Ill., motion to suspend the rules and pass the bill to require the secretary of the Treasury to coin and sell a national medal in honor of the members and former members of the armed forces who served in Vietnam War. Motion agreed to 410-0: Y(5-0-0), October 18, 1983. A two-thirds majority vote of those present and voting (274 in this case) is required for passage under suspension of the rules.

368. H.R. 3231. Export Administration Act. Hutto, D-Fla., amendment to the Bonker, D-Wash., substitute for the Roth, R-Wis., amendment, to allow the president to continue to require licenses for exports to allied nations that participate in Coordinating Committee (COCOM) export controls, if those goods are likely to be diverted to a Soviet-bloc nation. Adopted 237-175: NV(4-0-1), October 18, 1983.

368. H.R. 3231. Export Administration Act. Hutto, D-Fla., amendment to the Hutto, D-Wash., amendment to the Roth, R-Wis., amendment to allow the president to continue to require licenses for exports to allied nations that participate in Coordinating Committee (COCOM) export controls, if those goods are likely to be diverted to a Soviet-bloc nation. Adopted 237-175: NV(4-0-1), October 18, 1983.

369. H.R. 3231. Export Administration Act. Bonker, D-Wash., substitute, as amended by Hutto, D-Fla., to the Roth, R-Wis., amendment. Bonker's substitute originally would have allowed the president to control exports to particular persons or companies in Coordinating Committee (COCOM) nations that are likely to divert those exports to Soviet-bloc nations. As amended by Hutto, the substitute allowed the president to control any product likely to be diverted to the Soviet bloc, and was opposed by Bonker. Adopted 240-173: NV(4-0-1), October 18, 1983.

370. H.R. 3231. Export Administration Act. Roth, R-Wis., amendment, as amended, to allow the president to continue to require licenses for exports to Coordinating Committee (COCOM) nations. Adopted 239-171: NV(4-0-1), October 18, 1983.

371. H.R. 3385. Upland Cotton PIK Program. De la Garza, D-Texas, motion to disagree with the Senate amendments to and request a conference on the bill to establish a temporary paid diversion program for dairy producers, financed by a 50-cents-per-hundredweight assessment on dairy products, to repeal a second 50-cent assessment and to reduce the price support levels in the federal dairy program, revise the program's acreage allotment and marketing quota system and make other changes. The bill also included revisions in the Payment-in-Kind (PIK) program for cotton that had already been enacted as part of other legislation. Motion rejected 188-208: NV(1-3-1), October 18, 1983.

372. H.R. 3231. Export Administration Act. Frenzel, R-Minn., amendment to prohibit the president from imposing foreign policy controls that break existing contracts. Rejected 172-237: Y(1-4-0), October 19, 1983.

373. H.R. 3231. Export Administration Act. Hunter, R-Calif., amendment to the Solomon, R-N.Y., substitute for the Bonker, D-Wash., perfecting amendment to the Courter, R-N.J., amendment to the section of the bill providing for decontrol of exports that are readily available from foreign sources. The Hunter amendment would have allowed the president to continue to control a technology that is available from foreign sources indefinitely, if he determined the transfer would damage U.S. national security. Rejected 137-285: N(2-3-0), October 19, 1983.

374. H.R. 3231. Export Administration Act. Erlenborn, R-Ill., amendment to strike the provision prohibiting the application of foreign policy controls to companies outside the United States. Rejected 199-215: N(3-2-0), October 19, 1983. A "yea" was a vote supporting the president's position.

375. H.R. 2968. Intelligence Authorizations. Adoption of the rule (H. Res. 329) providing for House floor consideration of the bill to authorize appropriations for U.S. intelligence agencies in fiscal 1984 and prohibiting U.S. aid for "covert" military or paramilitary operations in Nicaragua. Adopted 232-179: Y(2-3-0), October 19, 1983.

377. H.R. 2968. Intelligence Authorizations. Boland, D-Mass., amendment to prohibit, at a classified date specified by the House Intelligence Committee, support by U.S. intelligence agencies for military or paramilitary operations in Nicaragua; to authorize $50 million in fiscal 1984 to help friendly countries in Central America interdict cross-border shipments of arms to anti-government forces in the region; and to direct the president to seek action by the Organization of American States to resolve the conflicts in Central America and to seek an agreement by the government of Nicaragua to halt its support for anti-government forces in the region. Adopted 227-194: Y(2-3-0), October 20, 1983. A "nay" was a vote supporting the president's position.

378. H.R. 2968. Intelligence Authorizations. Robinson, R-Va., motion to recommit the bill to the House Intelligence Committee with instructions to insert a provision to prohibit, 60 days after enactment of the bill, support by U.S. intelligence agencies for military or paramilitary operations in Nicaragua if the government of Nicaragua had reaffirmed the commitments it made to the Organization of American States in July 1979, had concluded peace agreements with other countries in Central America, and had ceased all support for military and paramilitary operations against other governments in Central America and the Caribbean. Motion rejected 193-223: N(3-2-0), October 20, 1983. A "yea" was a vote supporting the president's position.

379. H.R. 2968. Intelligence Authorizations. Passage of the bill to make authorizations for U.S. intelligence agencies in fiscal year 1984. The bill also prohibited, at a classified date specified by the House Intelligence Committee, support by U.S. intelligence agencies for military or paramilitary operations in Nicaragua; authorized $50 million in fiscal 1984 to help friendly countries in Central America interdict cross-border shipments of arms to anti-government forces in the region; and directed the president to seek action by the Organization of American States to resolve the conflicts in Central America and to seek an agreement by the government of Nicaragua to halt its support for antigovernment forces in the region. Passed 243-171: Y(2-3-0), October 20, 1983.

380. H.R. 3913. Labor, Health and Human Services, Education Appropriations, Fiscal 1984. Adoption of the conference report on the bill to appropriate $96,531,883,000 in fiscal 1984 and $7,902,000,000 in fiscal 1985-86 for the departments of Labor, Health and Human Services, and Education and related agencies. Adopted 323-79: Y(3-2-0), October 20, 1983. The Senate subsequently adopted the conference report by voice vote October 20, clearing the bill for the president, who had requested $95,215,687,000 in new budget authority.

381. H.R. 3324. Close Up Foundation Grants. Erlenborn, R-Ill., amendment to retain the Department of Education's law-related education program in the state block grant. (The bill shifted the program to the secretary's discretionary fund and mandated that $500,000 be made available.) Rejected 136-173: N(1-2-2), October 21, 1983.

382. H.R. 3324. Close Up Foundation Grants. Passage of the bill to authorize $1.5 million annually for fiscal 1983-85 for Allen J. Ellender Fellowships to allow low-income high school students to participate in seminars conducted by the Close Up Foundation. The bill also increased the annual authorization level in fiscal 1984 and 1985 for the law school clinical experience program to $2 million, removed the program from the state education block grant and instead earmarked $500,000 within the secretary of education's discretionary fund for the program. Passed 233-78: Y(2-1-2), October 21, 1983.

383. H.R. 3929. Federal Supplemental Unemployment Compensation. Adoption of the conference report on the bill to extend until March 31, 1985, the program of federal supplemental unemployment compensation payments for a minimum of eight weeks and up to a maximum of 14 weeks to unemployed persons who have exhausted all other state and federal unemployment benefits. Adopted 300-5: Y(3-0-2), October 21, 1983.

385. H.R. 1062. Oregon Lands. Udall, D-Ariz., motion to table (kill) the Lujan, R-N.M., motion to refer to the Interior and Insular Affairs Committee, together with President Reagan's October 19 veto message, the bill to authorize the secretary of the interior to convey, without consideration, certain lands in Lane County, Oregon. Motion agreed to 273-144: Y(2-3-0), October 25, 1983. A "yea" was a vote supporting the president's position.

386. H.R. 1062. Oregon Lands. Passage, over President Reagan's October 19 veto, of the bill to authorize the secretary of the interior to convey, without consideration, certain lands in Lane County, Oregon. Passed 297-125: Y(2-3-0), October 25, 1983. A two-thirds majority of those present and voting (282 in this case) of both houses is required to override a veto. A "nay" was a vote supporting the president's position. (Subsequently, the Senate also voted to override the veto, thus the bill was enacted into law.)

387. H.R. 4091. School Lunch and Child Nutrition Amendments. Perkins, D-Ky., motion to suspend the rules and pass the bill to raise income eligibility standards and reduce student prices for federally subsidized lunches and breakfasts and to make other changes in federal child nutrition programs. Motion agreed to 306-114: Y(2-3-0), October 25, 1983. A two-thirds majority of those present and voting (280 in this case) is required for passage under suspension of the rules. A "nay" was a vote supporting the president's position.

388. H. Con. Res. 187. Aquino Assassination. Solarz, D-N.Y., motion to suspend the rules and adopt the concurrent resolution deploring the assassination of opposition leader Benigno S. Aquino Jr. in the Philippines, stating the sense of Congress that all steps should be taken toward a full investigation of the assassination, stating that U.S. policy should support genuine, free and fair elections in the Philippines in May 1984, and stating that the United States should take the outcome of the Aquino assassination investigation and the May 1984, elections into account in conducting its relations with the Philippines. Motion agreed to 413-3: Y(2-2-1), October 25, 1983. A two-thirds majority of those present and voting (281 in this case) is required for adoption under suspension of the rules.

389. H.R. 4169. Budget Reconcilation. Adoption of the rule (H. Res. 344) providing for House floor consideration of the bill to reduce projected federal spending by $8.5 billion over fiscal 1984-86 in partial compliance with reconciliation instructions in the fiscal 1984 budget resolution. Adoption 224-198: Y(3-2-0), October 25, 1983.

390. H.R. 4169. Budget Reconcilation. Jones, D-Okla., amendment to delay the planned 4 percent raise for federal civilian employees from October 1, 1983, to January 1, 1984, thus increasing total three year savings under the bill to $10.3 billion. The amendment previously had been adopted by voice vote in the Committee of the Whole. Adopted 245-176: N(3-2-0), October 25, 1983.

391. H.R. 4185. Defense Department Appropriations, Fiscal 1984. Montgomery, D-Miss., amendment to add $81.7 million to the bill for the purchase of aircraft for the Army and for initial procurement of a new radar system. Adopted 219-193: N(3-2-0), October 26, 1983.

392. H.R. 4185. Defense Department Appropriations, Fiscal 1984. Addabbo, D-N.Y., amendment to provide $218 million for the Navy's frigate construction program. The money would not be a new appropriation but would come from shipbulding funds appropriated in previous years. Adopted 287-140: Y(2-3-0), October 26, 1983.

393. H.R. 4185. Defense Department Appropriations, Fiscal 1984. Bennett, D-Fla., amendment to add $355.5 million for the Navy shipbuilding program. Rejected 85-342: N(3-3-0), October 26, 1983.

395. H.R. 4139. Treasury, Postal Service, General Government Appropriations, Fiscal 1984. Frank, D-Mass., amendment to strike a section barring the Office of Management and Budget from reviewing agricultural marketing orders. Rejected 97-319: N(0-5-0), October 27, 1983.

396. H.R. 4139. Treasury Postal Service, General Government Appropriations, Fiscal 1984. Roybal, D-Calif., motion that the Committee of the Whole rise and report back to the House the bill to make appropriations for the Treasury Department, Postal Service, executive offices and certain independent agencies in fiscal 1984. Motion rejected 193-229: Y(2-3-0), October 27, 1983. (Agreement to the motion would have barred further amendments limiting expenditure of appropriated funds.)

397. H.R. 3231. Export Administration Act. Roth, R-Wis., amendment, as amended, amended to allow the president to continue to require licenses for exports to Coordinating Committee (COCOM) nations. Rejected 188-233: N(3-2-0), October 27, 1983. (The amendment previously had been adopted in the Committee of the Whole).

398. H.R. 3231. Export Administration Act. Erlenborn, R-Ill., motion to recommit the bill to the Foreign Affairs Committee with instructions to amend it to permit the president to continue to exercise export controls over subsidiaries of U.S. firms operating abroad. Motion rejected 124-285: N(3-2-0), October 27, 1983. A "yea" was a vote supporting the president's position.

400. H.R. 2655. Domestic Volunteer Service Act Amendments. Bartlett, R-Texas, amendment to strike language setting a $25 million authorization floor for Volunteers in Service to America (VISTA). Rejected 132-215: N(2-2-1), October 28, 1983. A "yea" was a vote supporting the president's position.●

MY ROLE IN UPHOLDING OUR CONSTITUTION

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. MOORHEAD. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct a nationwide speech contest called the Voice of Democracy.

I am proud to announce to my colleagues in the House that the winner of this contest for the State of California is a fine young constituent of mine from La Crescenta, Tod Joseph Sambar.

Tod Sambar is the son of two educators, Chuck and Mary Sambar. He has two brothers Al and Chris. He will be graduating very soon from Crescenta Valley High School. Tod is a leader, an achiever. He is involved with his school, his community and his country. Youngsters like Tod Sambar are our Nation's proudest achievement.

I congratulate Tod Sambar and the VFW and offer his winning oration for the edification of the Members of the House.

MY ROLE IN UPHOLDING OUR CONSTITUTION

From far and wide they came to America; They came to a dream. A ragged people, they fought just to survive in a hostile environment; they fought to hold onto their dream. They were united and determined to build a home free from the persecution of oppressive powers. They fought for our independence . . . they fought for every American, for every lover of liberty, for every well-wisher of his posterity. And as each man raised his voice to be heard against the tyranny of the king, he was establishing his role in our Constitution; his role in our dream.

What is my role in upholding our Constitution? This is simple, my role can be no different than the generations before me, no different than those who sacrificed their lives so that we might have the freedoms we enjoy today, no different than that of you, my fellow Americans. My role is to uphold the democratic principles established in our Constitution.

My role in upholding the Constitution can be no less than the farmer in Iowa, Illinois, Kansas or California, who contributes his energies and know-how to keep healthy our dream of democracy.

My role can be no less than the scientists and technicians who give tirelessly of their time and talents to develop new energy sources; to share with the nation that we may become independent, and rely on no other country for our well-being. So we can forge on with the democratic principles in our Constitution.

My role can be no less than the industrialists or the wage earners in Pittsburgh, Chicago and Seattle who strive for excellence in American products to preserve our niceties of life envied all over the world. This, so we can exemplify the democratic ideals in our Constitution; to keep strong our dream of democracy.

My role like that of the minutemen, doughboys, and G.I.'s must be to uphold the democratic ideals in our Constitution whenever they are denied or infringed upon.

My role like the statesmen, diplomats and ambassadors is to promote the Constitution, and all our dreams it entwines.

My role in our dream must be that of the patriot, who keeps the voice of American democracy loud and strong, to preserve our Constitution.

The spirit of all these Americans is my spirit both in words and action.

Whenever liberty is threatened both at home and abroad, in war and in peace, I will carry the torch of American democracy high and uphold my role in the Constitution.

Abraham Lincoln once said, "let every man remember that to violate the Constitution, is to trample on the blood of his father, and to tear the charter of his own and his children's liberty." Can my duty be anything less?

As an American I must uphold this sacred pact of democracy to the utmost. This pact which has weathered over 200 years very much unchanged, 200 years that saw a Civil War, two World Wars, the Great Depression, and other states of global unrest; yet our Constitution remains unscathed. It is my duty to continue to carry this torch of democracy!

My role is to strive as an American, as a patriot, and as an individual to promote our dream. . . . our dream of democracy, our dream. . . . the American Constitution.●

SOVIET TREATMENT OF SAKHAROV NOT ONLY WRONG, BUT STUPID

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. FRANK. Mr. Speaker, this body recently passed House Joint Resolution 304, condemning the treatment that Andrei Sakharov and his wife have received at the hands of the Soviet authorities. The Soviet press agency, Tass, recently reported that all is well with the Sakharovs. Unfortunately, we have every reason to believe that all is not well, that Yelena Bonner is losing her eyesight and that Andrei Sakharov, who is on a hunger strike, is on the verge of death.

Mr. Speaker, Mary McGrory of the Washington Post recently wrote a column in which she pointed out that the Soviet persecution of the Sakharov's is not only wrong, but stupid. I ask that her excellent editorial be reprinted here.

[From the Washington Post, May 31, 1984]

SOVIETS FAIL TO UNDERSTAND TORTURING SAKHAROV IS MASOCHISTIC

(By Mary McGrory)

When you see what the Soviets are doing to Andrei Sakharov and his wife, Yelena Bonner, you wonder if their vaunted prowess in propaganda is all the right wing says it is.

Any number of organizations and individuals have interceded on behalf of the Sakharovs, whose distinction and humanity have made a special claim on the world's conscience. The Soviet answer is always "Nyet."

Many westerners have tried to point out that the Sakharovs, the banished leaders of Moscow's dismembered human-rights community, do much more harm to the Soviets than the Soviets can do to them. Those who passionately want an East-West accommodation and a resumption of arms-control talks argue in vain that the Sakharov's suffering provides ready ammunition to the opponents of detente, who use it to show the folly and danger of dealing with the Soviets on any level.

The official, and dumb, rejoinder to western expressions of concern is that the State of the Sakharovs is "an internal matter."

So the persecution of two courageous people, whose crime has been to speak out for decency in government, continues—at a cost to the Soviets they seem incapable of rekoning.

The last westerner to take up the matter with Soviet Foreign Minister Andrei A. Gromyko, who could have picked up tremors of the revulsion over the treatment of the Sakharovs during his time at the United Nations, was Australia's foreign minister, Bill Hayden.

It did not go well. Gromyko brusquely told Hayden that the Kremlin will not be told "how to deal with the Sakharovs by other countries."

West Germany's foreign minister, Hans-Dietrich Genscher, who also tried, was warned that discussion of particulars would only make matters worse.

The rationale offered by the Soviets for hounding Sakharov, who as a father of the H-bomb received the Soviets' highest honors and privileges, is that he cannot be allowed to wander about his country—or emigrate, as he has lately said he would like to do—because he knows state secrets and might divulge them.

Sakharov has had no access to weapons-development secrets since 1968.

The real reason, it seems, is that whenever anyone in the Kremlin is smart enough to see that the harassment of Sakharov is enormously expensive to his tormentors, the hawks retort that to show mercy to Sakharov and his sick wife could be seen as bowing to pressure from President Reagan.

Sakharov, a modest and gentle man, has pitted himself against the Politburo since 1968, when he published and smuggled to the West a manifesto called "Progress, Peaceful Coexistence and Intellectual Freedom," an eloquent and brilliantly reasoned document showing the cracks in Kremlin walls. But one man's valor is another man's treason, and the Politburo lifted his security clearance.

Undeterred, he continued to speak out, to befriend "enemies of the state," to take enlightened positions that the Kremlin found threatening.

In 1975 he organized a group of brave Soviets who acted as if the Helsinki Accords were to be taken literally and who met weekly in his Moscow apartment. They monitored the myriad human-rights violations of the state and transmitted them to the West.

Sakharov's fame preserved him from the prison cell or straitjacket that befalls lesser lights.

A love of the Soviet Union and a determination to deal with the Soviet system—an obligation he feels extends to the whole world—kept him in his country. When he was awarded the Nobel Peace Prize in 1975 he declined to go to Oslo to collect his prize for fear of being denied reentry.

In 1980, the Kremlin cracked down. He was stripped of his honors and titles and banished to Gorki, a town 250 miles from Moscow and supposedly sealed off from the world. Izvestia explained that the noble dissenter was "sliding down into the filthiest quagmire of reaction."

Now his wife again needs medical attention abroad. She has been denied the right to travel.

In protest, Sakharov undertook a hunger strike on May 2. He has not been heard from since. The Kremlin issues bulletins saying that he is alive and well and eating regularly. Nobody believes them.

The authorities have learned nothing from the past.

When they finally let dissident writer Alexander Solzhenitsyn go, he ceased to be a problem. He lives quietly in Vermont, emerging now and then to thunder against detente. He speaks like a member of some Slavic Moral Majority, and is little attended.

If Sakharov were to die, the world would cry murder at the Kremlin. He is a saint; the Kremlin will make him a martyr at its peril.

The only hope remaining is that some Third World personage like Indira Gandhi is whispering into Konstantin U. Chernenko's ear that what he is doing to Sakharov is "not only a crime but a blunder."●

JUVENILE JUSTICE, RUNAWAY YOUTH, AND MISSING CHILDREN'S ACT AMENDMENTS OF 1984

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. LEVINE of California. Mr. Speaker, I am pleased that the House passed H.R. 4971, the Juvenile Justice Runaway Youth and Missing Children Amendments of 1984. I strongly support this bill which reauthorizes the Juvenile Justice and Delinquency Prevention Act of 1974 through 1989. This bill includes a new title IV—the Missing Children's Act—to establish the first national policy on missing children.

This legislation represents a long overdue Federal effort to combat a tragedy that strikes thousands of children and their families. As many as 1.8 million children disappear from their homes each year. Thousands of children are abducted by strangers for exploitative purposes such as pornography and prostitution. Approximately 4,000 of these helpless victims are later found dead, while hundreds of other bodies are eventually found, but never identified. Each year in the United States there are an estimated 20,000 to 50,000 missing children cases which remain unsolved.

This bill requires the creation of a missing children program which will make grants available to States and localities to develop measures which reduce child abduction, aid in the location of missing children, and help communities collect information useful in identifying missing children. It would also provide for a national toll-free hotline, seek to coordinate other Federal programs, and serve as a clearinghouse for information and research.

A national policy with respect to missing children is long overdue in order to effectively coordinate efforts to alleviate this terrible tragedy which touches so many lives. I was pleased to join with my colleagues in support of this vital piece of legislation.●

TWO SOVIET PEACE PETITIONERS ARRESTED

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. YOUNG of Florida. Mr. Speaker, the Soviet propaganda machine would have our Nation and our allies believe that peace throughout the world is a priority within the Kremlin. Soviet actions, however, speak louder than their words.

Through aggression and military force, the Soviets have denied peace to countries such as Hungary, Poland, Czechoslovakia, and Afghanistan. They have eliminated the national identities of nations such as the Ukraine, Estonia, Latvia, and Lithuania. And they use Cuba and Vietnam as surrogate hoodlums to roam and terrorize parts of the world and disrupt the peace.

The Soviets even deny the thought of peace to their own people. On Sunday, two members of a peace group in Moscow were circulating a petition doing nothing more than urging talks between President Reagan and President Chernenko. They were arrested by Soviet police after more than 300 people in a 2-hour period signed the petition.

Obviously there is a stark difference between the freedom to express a desire for peace in our Nation and the Soviet Union. Americans have the constitutional right of freedom of speech and never has this been more evident than during the peace demonstrations that have taken place in the United States during the past few years. These demonstrations have taken place in parks, town halls, and even here in the Chambers of the House and Senate. Yet in the Soviet Union, two men were arrested simply for circulating a petition encouraging negotiations between the United States and the Soviet Union.

Their claims to the contrary, Soviet actions within their own nation and abroad substantiate that it is the Soviet Union and not the United States which threatens world peace and suppresses any peace movement within the Soviet Union. Those people in our own country who are so determined to trust the Soviet Communists should take a few minutes for some serious thought and reflection on this incident.

The news story which appeared yesterday in a Washington newspaper is included.

TWO SOVIET PEACE PETITIONERS ARRESTED

Moscow.—At least two members of Moscow's unofficial peace group were arrested yesterday while soliciting signatures for a petition urging a meeting between U.S. and Soviet leaders, a group spokesman said.

Yuri Medvedkov, a member of the grassroots "Group to Establish Trust between the U.S.A. and the U.S.S.R.," said police arrested Aleksei Luznikov and Nikolai Kramov as they asked passers-by in the street to sign a petition urging talks between President Reagan and President Konstantin Chernenko.

Mr. Medvedkov said Mr. Luznikov and Mr. Kramov collected more than 300 signatures in two hours before they were arrested.●

EFFIE LEE MORRIS RECEIVES NATIONAL BOOK AWARD

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mrs. BURTON of California. Mr. Speaker, on June 12, the Women's National Book Association will honor an outstanding woman, Effie Lee Morris. I am pleased to bring to my colleagues' attention the outstanding achievements of Ms. Morris.

Effie Lee Morris has achieved international stature as a children's librarian. She pioneered library services to blind and physically handicapped children at the New York Public Library and was coordinator of children's services at the San Francisco Public Library for 14 years. At present she teaches children's literature at Mills College in Oakland and has a book contract with Harcourt Brace Jovanovich. For about 2 years she worked for the same publisher at the senior editor level on an encyclopedia of blacks in America.

She is a member of the California State Library Services Board, the National Advisory Board of the Center for the Book in the Library of Congress, and is a founding member of the Black Caucus of the American Library Association.

The Women's National Book Association, founded in 1917, has local chapters in nine U.S. cities and a total membership of about 1,500. These members constitute a cross-section of the world of books: editors, authors, teachers, librarians, publishers, and garden-variety readers.

The WNBA Award has been presented biannually for the last 40 years to women of outstanding stature who have contributed to the world of books. Previous recipients include Barbara Tuchman, Anne Pellowski of UNICEF, Rachel Carson, Pearl Buck, Eleanor Roosevelt, and Augusta Baker.

This year's award reads as follows:

The Women's National Book Association presents its 1984 WNBA Award for extraordinary contributions to the world of books and through books, to society, to Effie Lee Morris librarian, educator, author, creator of programs and services, leader of causes and groups: a talented, dedicated book woman. A civil libertarian working to bring the benefits of reading to all people, she generates ideas that build the lifetime reading habit.

By honoring Effie Lee Morris, we honor a rare tradition of service, and a vision of the intellectual, emotional, and spiritual growth that reading fosters.●

PERSONAL EXPLANATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. CLINGER. Mr. Speaker, on May 31, 1984, I was absent from the floor of the House of Representatives for a part of the day. Had I been present, I would have voted in the following fashion:

Rollcall No. 194: H.R. 5712: Commerce-State-Justice—judiciary appropriation, the House agreed to an amendment that strikes the $31.3 million appropriation for the National Endowment for Democracy, "no";

Rollcall No. 195: H.R. 5712: Commerce-State-Justice—judiciary appropriations, the House agreed to a motion to recommit the bill to the Committee on Appropriations with instructions to report the bill back forthwith containing an amendment to reduce discretionary funds by 4 percent, "yea";

Rollcall No. 196. H.R. 5712: Commerce-State-Justice—judiciary appropriations, the House passed the measure making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1985, "yes"; and

Roll call No. 197. H.R. 5167: Defense Authorization, the House agreed to the Price amendment to the Dickinson amendment to authorize the production of 15 MX missiles subject to certain conditions, "yea."●

VIGIL FOR SOVIET JEWS

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. SIMON. Mr. Speaker, as part of the 1984 Congressional Call to Conscience Vigil for Soviet Jews, I would like to draw to your attention the case of Jewish refusenik, Yakov Gorodetsky. Born in 1946, Gorodetsky went on to become a mathematician, but was fired in 1982, after he applied for an exit visa. In January 1983, he was told by Soviet authorities to stop giving Hebrew lessons and writing letters of complaint to Soviet officials. In November 1983, the Soviet magazine Ogonek printed an article entitled, "Invitation to the Trap," which accuses Gorodetsky of disseminating anti-Soviet literature and of being a Zionist agent. Soviet authorities have gone to great lengths to find ways to stop Jews in the Soviet Union from living openly as Jews and from leaving the country.

Most recently, On May 15, 1984, Gorodetsky was in a post office awaiting a call from a friend in Chicago. While waiting, Gorodetsky was forcibly taken by a KGB captain for interrogation. Two young women who had obviously been planted to provoke him told the captain they had "overheard Gorodetsky saying things he should not be saying." When held for questioning, Gorodetsky rightfully refused to sign any statements, but he did submit a statement of complaint for the ongoing harassment he has been subjected to, including a forced, extensive search of his apartment, in which his door was beaten down, on May 5, 1984.

Gorodetsky is obviously in danger and under enormous pressure because of his work and his commitment to repatriation. Gorodetsky has always worked within the Soviet legal system in his efforts to relinquish his Soviet citizenship. Yakov Gorodetsky has already received Israeli citizenship.

On a more optimistic note, Gorodetsky's papers were accepted by the Leningrad Office of Visas and Registration on February 7, 1984. I will soon be circulating a "Dear Colleague" seeking signatures to letters I plan to sent to both Konstantin Chernenko and Anatoly Dobrynin, asking that they give positive consideration to Gorodetsky's petition by allowing him to repatriate. I hope you will all show your support for Yakov Gorodetsky by signing the letters.●

THE IMPORTANCE OF SENATE ACTION ON LEGISLATION TO LIMIT CWIP

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. ST GERMAIN. Mr. Speaker, on June 4 an article appeared in the Providence Journal citing the fact that Rhode Islanders pay unusually high rates for their electricity and that these high rates are in large part due to the fact that Rhode Island's rates are primarily determined by the Federal Energy Regulatory Commission rather than by the States public utilities commission.

According to the article, a chief reason for Rhode Island's high rates is FERC's policy on collecting charges for construction work in progress, CWIP. In February, the House passed legislation, H.R. 555, which I cosponsored, placing strict limitations on when CWIP can be included in utility rates. Similar legislation is pending in the Senate, where it has been the subject of subcommittee hearings, but has seen no further action.

CWIP charges, especially on the broad basis permitted by FERC, are unfair to consumers. This unfairness is compounded when consumers in some

States are subjected to the charges while others, whose utility rates are mostly State regulated, do not have to pay such charges. It is imperative that the Senate act on its bill in order that legislation may be enacted to bring an end to this inequitable situation.●

C-124 FOR TRAVIS AIR FORCE MUSEUM

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to the successful efforts of the Travis Air Force Base Historical Society in obtaining a C-124 for the Travis Air Force Museum.

This is the first time that an aircraft this large has ever been recovered and restored by anyone, particularly a private organization like the historical society.

The C-124, or "Old Shakey" as the aircraft is known to its former crew members, went into service in 1952 and served as the workhorse of the Air Force for 20 years until it was retired in 1972.

Before the historical society obtained permission to recover this particular C-124, the plane had been standing stoically for nearly 12 years on the grounds of the Aberdeen-Edgewood Proving Grounds in Maryland, gathering dust and mildew and serving as a little used storage facility.

But with the help of a dedicated recovery crew and a number of volunteers at Aberdeen, Dover Air Force Base in Delaware and Dobbins Air Force Base in Georgia, Old Shakey is now ready to make its way back to Travis to become one of the centerpieces of the Travis Air Force Museum.

Members of the historical society deserve our praise for helping to save the C-124. As Dave Fleming, the president of the Air Force Museum, said recently, recovery of the plane "was a monumental achievement and coupled good luck with the dedicated efforts of many volunteers. * * *"

Mr. Speaker, on Sunday, June 10, I will participate in a very special ceremony: The arrival of the C-124 to Travis Air Force Base. This will most probably be the last leg of this fine aircraft's outstanding career. It may be the last landing of the last flight of the last of the seven "Old Shakeys" in existence.

The following deserve our special recognition for helping to bring about this great achievement:

The crew, all active duty Air Force C-5 qualified flyers who had thousands of hours in the C-124, including:

Lt Col Louis Tobin, 75th MAS, 60 MAW.

Lt Col Terry LaMaida, 60 MAW Inspector General.

Maj Harold Maynard, 60 MAW C-5 Flight Simulator.

Maj John Simpson, 60 MAW C-5 Flight Simulator.

CMSgt Troy Wood, Mil Air Cmd Chief Engineer.

CMSgt Jack Pledger, 75th MAS, Chief Engineer.

CMSgt Marion Fincher, 60 MAW Attached, Strat Alft.

Test Proj Supt, Kirtland. AFB N.M.

SMSgt Gary Arnett, 60 MAW, C-5 Std Loadmaster.

SMSgt David L. Florek, 60 MAW, in charge of the Travis AFB recovery and restoration project, and project supervisor;

MSgt Gerald "Junior" Nance, 116 TFW, Crew Chief of the Dobbins AFB National Guard volunteer recovery team;

MSgt Larry Rengstor, California ANG, Moffett Field, who donated weeks of time chasing parts all over the country and acting as Crew Chief and part of the maintenance team;

Major George Anderson, Museum Project Officer, who coordinated the entire undertaking; and

A number of volunteers who gave of their time and expertise, including:

SMS David L. Florek, 60 MAW, Travis AFB.

Major George Anderson, 60 MAW, Travis AFB.

Mr. David Fleming, Vacaville, CA.

MSgt Larry Rengstorf, CA ANG.

Mr. Roger Evans (RET), Vacaville, CA.

Mr. Bob Gilman, USAFR, Cotati, CA.

Mr. John Tobin, USAFR, Travis AFB.

Mr. Billie Dare, Sacramento, CA.

Mr. Joe Bozeman, Vallejo, CA.

Mr. David Burns, Vacaville, CA.

Mr. John Dolman (RET), Vacaville, CA.

Mr. Bill Hess, Fairfield, CA.

Mr. Carl Johns (RET), Spokane, WA.

Mr. Len Martin, Vacaville, CA.

Mr. Nathaniel Robinson (RET), Vacaville, CA.

Mr. Walter Scott (RET), Dixon, CA.

Mr. Leo Turk (RET), Havre DeGrace, MD.

Mr. Lee Whalen (RET), Dover, DE.

MSgt Richard Pokorny, Felton, DE.

Mr. Ellis Williams, Fairfield, CA.

Mr. Ray Wheeler, Aberdeen PG, MD.

Mr. Bill Keithley, Aberdeen PG, MD.

Mr. Earl Lester, Aberdeen PG, MD.

Mr. Ray Schmidt, Aberdeen PG, MD.

Mr. John Allison, Aberdeen PG, MD.

Mr. Jim Jones, Aberdeen PG, MD.

Mr. Arthur Littman (RET), Vacaville, CA.

Mr. Ray Dorsey, Aberdeen PG, MD.

Mr. John Brooks, Aberdeen PG, MD.

SMS Richard Roberts, 116th TFW Dobbins AFB, GA.

MSgt Gerald R. Nance, 116th TFW Dobbins AFB, GA.

MSgt Marvin D. Sumners, 116th TFW Dobbins AFB, GA.

MSgt George H. Wheeler, 116th TFW Dobbins AFB, GA.

MSgt Robert F. Woodard, 116th TFW Dobbins AFB, GA.

MSgt Bemus Locklear, 116th TFW Dobbins AFB, GA.

MSgt Tommy Richardson, 116th TFW Dobbins AFB, GA.

MSgt Lawrence W. Lines, 116th TFW Dobbins AFB, GA.

MSgt Herbert P. Wyatt, 116th TFW Dobbins AFB, GA.

MSgt Harold W. Painter, 116th TFW Dobbins AFB, GA.

TSgt Robert E. Blackwell, 116th TFW Dobbins AFB, GA.

TSgt Thomas L. Meek, 116th TFW Dobbins AFB, GA.

TSgt Michael G. Donahoo, 116th TFW Dobbins AFB, GA.

TSgt Donald Holsapple, 116th TFW Dobbins AFB, GA.

SSgt Lynn Barnard, 116th TFW Dobbins AFB, GA.●

PRESIDENT REAGAN'S RECENT REMARKS CONCERNING NICARAGUA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. HAMILTON. Mr. Speaker, President Reagan was quoted in the press on May 29 of this year as saying that his CIA-backed mining of Nicaragua's harbors was justified as an effort to interdict a flood of Soviet arms flowing through Nicaragua's ports to leftist guerrillas in El Salvador.

The President in an interview on Irish television said that there was a Bulgarian ship unloading tanks and armored personnel carriers at a port in Nicaragua, the fifth such Bulgarian ship in the last 18 months.

"Just a week or two ago, there were Soviet ships in there unloading war materiel," he stated, claiming that the Sandinistas are "funneling this through to the guerrillas in El Salvador."

The implication for the American people of those remarks is that the Soviet Union is stepping up the provision of war materiel to the guerrillas in El Salvador, perhaps even to include the introduction of tanks and armored personnel carriers.

I requested the intelligence community to provide me the intelligence which supports the President's dramatic assertions. Their response was that they have no intelligence to support the claim that the recent Bulgarian and Soviet shipments to Nicaragua are being sent on to the Salvadoran guerrillas.

My guess is that those supplies are for Nicaragua's own use in fighting off the attacks of the Contras who are armed and funded by the United States.

In any case, President Reagan's statement was clearly misleading and ought to be publicly corrected.●

FSU LADY SEMINOLES WIN NCAA TITLE

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. FUQUA. Mr. Speaker, I wish to report to my colleagues the triumph of the Florida State University Lady Seminoles Track and Field Team which last weekend captured the

NCAA team title. Head Coach Gary Winckler, the women on the team, and all associated with this effort deserve praise for this great accomplishment.

An article in the Tallahassee Democrat expressed the spirit of the team in its victory in Eugene, Oreg., and I include the article at this point in the RECORD so that all may share in this moment.

[From the Tallahassee Democrat, June 4, 1984]

I'M KIND OF NUMB

(By David Whitley)

The Florida State women's track team did something a little out of character Sunday night—it did not finish first.

In the race to get off Delta flight 1871, a handful of business types and a guy toting a tennis racket beat the Lady Seminoles down the concourse.

But after the weekend they had just put in, the Lady 'Noles deserved to slough off a little. Besides, they had a little extra baggage to carry that they didn't own when they departed last week.

The Lady 'Noles arrived home from Eugene, Ore., with the NCAA Track and Field Championship trophy proudly in tow. About 75 people gathered at Tallahassee Municipal Airport to welcome the team back.

"I think this is spectacular," said Keith Hughes, a member of the welcome wagon. "This whole ought to be packed."

"What the crowd lacked in size, it made up for in spirit. While they waited for the team to appear, the group of fans spent the time getting their best cheer down, only changing the operative phrase from "number one" to the more definitive "national champ."

Those words sounded good to FSU head coach Gary Winckler.

"It feels great," he said. "I still don't know how to react, I'm kind of numb."

Numb is probably the word to describe how the women's collegiate track world must feel after the high-octane show the Lady 'Noles put on Friday and Saturday in Eugene. FSU made mockery of the short sprints, winning five events—the 100 meters, 200 meters, 400 meters, 400-meter relay and mile relay, an event in which the Lady 'Noles ran the fastest collegiate time in history, 3:28.53.

The 200-meter was the coup de grace. Trailing Tennessee going into that final event, the Lady 'Noles scored an amazing 48 points, placing five finishers in the top nine to clinch the national crown. When the smoke cleared, FSU had 145 points to Tennessee's 124. Stanford was third with 71.

The win was especially gratifying to Winckler, an Oregon State graduate who knows firsthand how tightly the people of Eugene embrace track. After guiding FSU to third and second-place finishes the past two years, Winckler was named coach of the year by the National Track and Field Coaches Association after the meet Saturday.

"We've always had everybody perform superbly in national meets," he said. "This year we had power maturity, and the girls wanted in bad."

The backbone of this year's effort was the performance of seniors Marita Payne, who won the 400 meters, and Randy Givens, who was the 100 and 200 meters.

"Those are the kind or people you don't go out and replace in one year," Winckler said. "But we're not going to relax, that's for sure."

FSU will have a bevy of talent back next year. Most of the performers in the nine events FSU scored in will return, including the nucleus of a strong relay team in sophomore Brenda Cliette and freshmen Janet Davis and Michelle Finn. Fine was another Lady 'Nole not sure of how she felt Sunday night. She only knew she felt good.

"It's hard to explain," Finn said. "At first it was hard to believe. They'd show the scores and show FSU ahead then Tennessee than FSU. It's wonderful, I can tell you that."

"We couldn't have asked for things to go better," Winckler said. "It was a supreme performance by everyone on the team."●

MISTREATMENT OF WEST AFRICAN POC LEON YELOME

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. OTTINGER. Mr. Speaker, I rise to bring to the attention of my colleagues the plight of Mr. Leon Yelome who has been designated by Amnesty International as a "Prisoner of Conscience." Mr. Yelome's case is being closely monitored by Amnesty International's Group 154 of mid-Westchester, N.Y.

Leon Yelome, a 26 year-old former law student from Benin, West Africa, has been detained without a charge or trial since August 16, 1979. In March of this year, he was held handcuffed in an old container which was open to the Sun and rain at the Brigade de la Gendarmerie in Port Novo. Toward the end of March he was moved to the Camp Militare Guezo in Cotonou.

Amnesty International Group 154 believes that the conditions in which Mr. Yelome is being held are grossly inadequate and sufficiently severe to constitute cruel, inhuman and degrading treatment as outlined in article 3 of the United Nations Declaration on the Protection of all Persons from Torture and other Cruel, Inhuman, or Degrading Treatment.

In addition to appealing for the release of Mr. Yelome, Amnesty International Group 154 is particularly concerned about his health and is seeking information about his medical condition because he has already endured nearly 5 years of imprisonment in poor and unsanitary conditions. The basis for this concern are reports that prisoners are, allegedly, often subject to torture.

I strongly urge the Reagan administration and the State Department Bureau of Human Rights and Humanitarian Affairs in particular, to speak out against this terrible violation of human rights, and to monitor closely the condition of Leon Yelome. I also commend the tireless efforts of the members of Amnesty International and Group 154 in mid-Westchester. These people have been vigilant in the defense of human rights throughout the world, and deserve great praise for their work.●

GARDEN GROVE CHAMBER OF COMMERCE OFFICERS HONORED

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. PATTERSON. Mr. Speaker, it is with great pleasure that I rise to honor three people who have demonstrated an outstanding record of service to the community of Garden Grove and the chamber of commerce.

Mr. Stan Smolin, the Garden Grove Chamber's outgoing president, has an outstanding record of service to the community. As an attorney in Garden Grove Chamber of Commerce, Mr. Smolin has been a successful leader in the business community of Orange County.

In addition to an active professional life, he has shown a willingness to give of his time for the benefit of the community in a wide variety of areas. His concern for youth has led to involvement with the Garden Grove School District, Boys Club and Little League. As a member of the Garden Grove Cultural Arts Commission and the Village Green Fine Arts Alliance, he has sought to improve the cultural life of his city. Other facets of his concern for the community are demonstrated by his role with the United Way, the Neighborhood Development Commission, the Orange County Community Housing Corp. and the Rotary Club.

Fran Jennings-Rafanovic has an equally outstanding record of community service. The president-elect of the Garden Grove Chamber of Commerce, she has also held a variety of other offices with the chamber since 1972, including president of the women's division in 1981–82. Recently, she served as president of this year's strawberry festival, culminating over 5 years of active involvement with this event.

She has volunteered tirelessly for a large number of community organizations. Her activities serving youth include the Children's Home Society, the Children's Hospital of Orange County, the Boy Scouts and the PTA. Concerns in the area of health include the March of Dimes and Turning Point-Orange County Alcohol and Drug Abuse Center.

Her involvement with the city of Garden Grove has included service as a planning commissioner and 1 year as chairman of the planning commission, along with service as both a member and president of the Sister City Committee-Toluca, Mexico. Finally, she

has held a variety of offices with the Garden Grove Association for the Arts, including a term as president of that organization in 1982-83.

The third person we are honoring today is Ms. Bertie Le Mieux, president of the Garden Grove Chamber of Commerce—Women's Division. In addition to her work as president, Ms. Le Mieux has also served on a variety of committees with the chamber's women's division, including the silver spoon, the strawberry festival ticket booth, bylaws and greeters.

An active member of the Emblem Club, Ms. Le Mieux has held a wide variety of offices with this organization on the local, State, and national levels.

Her community service record includes extensive involvement with the PTA, including holding the office of president. In addition to the PTA, she has demonstrated her commitment to the youth of our community through work with Boy Scouts, Girl Scouts, Little League, and Bobby Sox.

Many of her activities have been related to the city of Garden Grove. These include service as the budget chairman and secretary-treasurer of both the police and firemans association and secretary-treasurer of the city employees association.

Mr. Speaker, by giving of themselves tirelessly in the service of others, these three individuals provide examples for us all as to the true meaning of responsible citizenship. I am pleased to have the opportunity to honor these fine Americans, and I wish them well as they continue their work for the community.●

PERSONAL EXPLANATION

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. ERDREICH. Mr. Speaker, on Thursday, May 31, I was away from Washington to deliver a commencement address in my home district and was unable to vote on several matters before the House. For the record, I would like to state how I would have voted if I had been present:

Rollcall No. 194, "aye."
Rollcall No. 195, "no."
Rollcall No. 196, "no."
Rollcall No. 197, "aye."
Rollcall No. 198, "no."
Rollcall No. 199, "no."
Rollcall No. 200, "aye.
Rollcall No. 201, "no."
Rollcall No. 202, "no."
Rollcall No. 203, "no."
Rollcall No. 204, "aye."●

TONNAGE MEASUREMENT OF VESSELS ACT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. JONES of North Carolina. Mr. Speaker, today, I am introducing at the request of the administration H.R. 5774, the Tonnage Measurement of Vessels Act. This legislation implements the International Convention on Tonnage Measurement of Ships, 1969, that was ratified by the President, with the advice and consent of the Senate, on October 28, 1982. This Convention came into effect in the United States on February 10, 1983.

Once in place, this legislation will provide the primary measurement system for documented vessels that are 29 feet in length and over, except vessels operating exclusively on the Great Lakes. Vessels that are less than 29 feet in length will continue to be measured under the existing statutory system. Similarly, other currently available systems for determining tonnages for regulatory purposes will still be available on request of the vessel owner.

A measurement of a vessel's gross and net registered tons is required before it is documented under chapter 121 of title 46, United States Code. These measurements are used as a reference for the collection of tonnage taxes, for establishing drydocking and towing fees, and for determining a number of other charges against the vessel. In fact, there are over 100 domestic and international regulations that employ either gross or net tonnage as a regulatory parameter. However the current system has been interpreted differently in various countries, resulting in similar vessels having different tonnages depending on where they were measured. This Convention establishes a uniform international standard for all vessels to be measured.

However, there is one section of this legislation which we will examine particularly closely. That is the administration's proposal that the Coast Guard be allowed to impose a user fee for measuring vessels. Currently this is prohibited by section 2110 of title 46, United States Code. It is our understanding that the administration plans on delegating most measurement activities to the American Bureau of Shipping (ABS), and unless section 2110 is changed, ABS will not be able to charge for these services. The administration estimates that the implementation of this system will save approximately $120,000 due to reduced manpower requirements and that the delegation of the administration of this program to the American Bureau of Shipping will save $1.2 million. However, in the May 1982 user fee proposal, the administration estimated that charging for measurement of vessels will cost owners $7.6 million annually. Therefore, we look forward to receiving input from the maritime industry on the potential effects the charging of these fees may have.●

MAINE'S PRESIDENTIAL SCHOLARS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Ms. SNOWE. Mr. Speaker, I want to share with my colleagues the significant honors received by two Maine high school students, Laura J. MacLean of Portland and Joseph L. Faber of Rockland, who were selected Maine's 1984 Presidential Scholars.

To be chosen, one must have excellent academic standing, leadership qualities, and have contributed to their school and community. Laura and Joe have demonstrated these fine qualities in their commitment to excellence.

They are among 141 students in the country to be selected as our Nation's most distinguished high school seniors. They have been invited to Washington next month to receive the Presidential Scholars Medallion from the President.

Laura, a senior at Deering High School in Portland, is the valedictorian of her class, a 3-year member of the National Honor Society, a National Merit Scholar, a recipient of the Harvard Book Award, and is involved in many extracurricular activities. She will continue her education at Bryn Mawr College in the fall.

Joseph, a senior at Rockland High School, is also valedictorian of his graduating class and a 3-year member of the National Honor Society. He is also the president of student government, an Eagle Scout, the winner of the Century Three Leadership Scholarship, and is actively involved in his hometown newspaper, The Courier-Gazette.

Undoubtedly, their selection as presidential scholars is well deserved. I am proud of their hard work, dedication, and ambition. Our future is in the hands of today's youth, and with continued success Laura and Joseph should be a guiding force in that future.●

IN TRIBUTE TO C. G. ECONOMUS

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. WILLIAMS of Ohio. Mr. Speaker, one of the outstanding and prominent residents of the 17th District was recently honored by the Ohio State Bar Association. Attorney Constantine G. Economus is truly an American success story. I believe the following article from the Youngstown Vindicator, of May 15, 1984, tells the complete story.

[From the Youngstown Vindicator, Tuesday, May 15, 1984]

OHIO BAR TO HONOR C. G. ECONOMUS

Atty. Constantine G. Economus, active for years in the Greek community here and with national Greek church and fraternal organizations, will be one of 63 lawyers honored by the Ohio State Bar Association for 50 years of law practice.

The bar will salute Atty. Economus and the others at its annual banquet Friday in Cleveland.

Atty. Economus came to this country from Greece in 1916 and moved to Youngstown three days later.

He received his undergraduate and legal degrees from Youngstown College, passed the Ohio bar examination in 1934, and began his practice that same year.

Atty. Economus received his master of law degree in 1937 from Catholic University of America in Washington, D.C. He is proud that his thesis, "Aristotle's Politics and the U.S. Constitution," took top honors in his graduating class.

He has served as supreme vice president, supreme secretary, and counselor of the American Hellenic Educational Progressive Association (AHEPA) and once was editor of the organization's magazine.

When he was national secretary, he moved temporarily from Youngstown to that organization's national headquarters in Washington.

He also served on many local patriotic committees during World War II and on past Community Chest drives.

Atty. Economus was president of the Pan-Arcadian Federation of America, an organization of citizens of Greek descent, and received a meritorious service award from King Constantine II of Greece in 1966 for his role in planning the Pan-Arcadian Hospital in Tripolis, Greece. The hospital serves southern Greece and is noted for its care of earthquake victims.

In 1960, he was one of 10 men appointed to the Archdiocese Mixed Council of the Greek Orthodox Church, the highest executive body of the Holy Archdiocese of North and South America.

He is a member of St. John's Greek Orthodox Church.

Atty. Economus and his wife, the former Pipitsa Skarpentzus, whom he married in 1935, have two sons, Common Pleas Judge Peter C. Economus and Atty. George C. Economus.

Atty. Louis M. Davies of Youngstown will be among the six retiring members of the bar's executive committee honored at the banquet. Atty. Davies is finishing his third year as district representative.

Atty. Davies is a partner in the law firm of Harrington, Huxley & Smith, and in January, was elected director of the Youngtown Area Chamber of Commerce.

He received his undergraduate degree from Mount Union College in 1951 and his law degree from Western Reserve University in 1954.

Atty. Davies is secretary of the YMCA trustee board and is a former member of the Poland Board of Education and Poland Township Zoning Appeals Board.

Attorney Economus can be justly proud of his commitment to family, church, and community. His achievements are legendary, and his accomplishments are remarkable. The entire Economus family is a great 17th Congressional District family.●

YOUTHS RECEIVE AAA HIGHEST AWARD

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. SCHEUER. Mr. Speaker, I rise today to commend two brave young men from New York's Eighth Congressional District, John M. Aleksa and Pablo D. Lues.

The American Automobile Association presented its highest award on May 15, 1984 to John and Pablo and eight of their fellow school safety patrol members who saved the lives of persons in imminent danger while on duty. In the 35 years since its inception, only 260 youngsters from 28 States and the District of Columbia have been recognized for their heroic lifesaving efforts with this distinguished award.

On November 15, 1983, three students were waiting behind Pablo and John for the "Walk" light and the patrol's signal to cross 167th Street in Flushing, N.Y. A car was rapidly approaching the intersection on heavily traveled 45th Avenue and proceeded to turn right just as the traffic light turned green and the pedestrian signal turned to "Walk." At that very moment, a 5-year-old student dashed around Pablo's outstretched arm and into the street toward the path of the turning car. Pablo and John ran into the street after the girl. They pulled her back as the swiftly moving car, wheels screeching, passed by within inches.

The ancient Greek historian Herodotus wrote that great deeds are usually wrought at great risk. By bravely imperiling their own well-being, John M. Aleksa and Pablo D. Lues performed perhaps the greatest deed a human being can undertake, to save another's life. For their magnanimous and dutiful response to this life-threatening situation, I know my colleagues in the House of Representatives join me today in congratulating these two admirable young men.●